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House of Representatives

MAKING IN ORDER FURTHER CONSIDERATION OF H.R. 1, FULL-YEAR CONTINUING APPROPRIATIONS ACT, 2011—Continuing

Mr. FRANK of Massachusetts. Mr. Speaker, reserving the right to object, I guess I am a dissenter in this orgy of self-congratulation, and I want to explain why. And I may not object if I have a chance to explain why, but if I can't explain, I have to object. So that is the choice. I either explain or object.

I object not to the UC at this point, but to the self-congratulation that the majority is engaging in because they said they had such an "open process." In fact, the refutation of that was best stated by the gentleman from Kentucky. He just said we have debated the whole government. Yes, we have—and very inappropriately.

To debate the whole government and to debate fundamental policy issues under the guise of a budget, under the constraints of a budget debate and not three, not a whole week, 2½ days so far. Maybe we will get a third day. We have dealt with the most fundamental questions. In the jurisdiction of the committee on which I serve, issues came up under great constraint. The reform bill of last year has been damaged by what was done here. Fortunately, it will never become law. And we were constrained because we had to choose between the SEC and the IRS. That is not the way to legislate.

This was not an open process. Yes, you could offer amendments. You could offer amendments in a very narrow compass. You could offer amendments according to the jurisdiction of subcommittees. The jurisdiction of subcommittees is somewhat accidental. It doesn't determine public policy.

And, yes, we are talking about it now. We are boasting about debating the whole government. Did my colleagues listen to the UC? You will get to debate whole aspects of the government tomorrow for 10 minutes. We are

the model of democracy. The next thing you know, they will be rioting in parts of the world so they can have 10 minutes per issue to debate fundamental issues.

This is a travesty. I very much objected to this procedure. My leadership, for which I have great respect, had asked me if they could go forward. I am prepared to allow that because of some conditions. One is that I am confident that this awful, distorted, ill-thought-out process has produced a bill that will never see the light of day. And by the way, no one should be surprised. We are now going to recess after we finish with all of these other parts of the government in 10 minutes per issue, or up to an hour for a couple of important ones, 20 minutes for some only moderately important ones.

The Senate will then get this with 4 days left before it expires. No one realistically thinks this is going to happen. So perhaps some of the constituencies were mollified by this show; but I want to stress again, this has been awful procedure.

The gentleman from Kentucky is right: we have debated the whole government, fundamental issues that go far beyond budgetary issues in 3½ days. We will have debated fundamental issues in 10 minutes. This is openness? This is a travesty of the democratic process.

So, Mr. Speaker, because I have been given a chance to explain why I think this is a terrible process, why I am going to say now I don't expect the Senate to accept this. We will have to come back and do it again. There will have to be, I assume, a short-term extension.

I want to give notice now to all parties, I will object strenuously at every procedural opportunity to any effort to repeat this travesty.

□ 0000

So with respect to the ranking member and to the minority whip and the

minority leader and to others and to people who have worked so hard and to the poor long-suffering staff, yes, I will remove my reservation, and I will not object. Having made it clear, once the Senate gives this awful product an appropriate burial, I will not be a party to its resuscitation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. GOHMERT. Mr. Speaker, I reserve the right to object because just to sit here and listen, after having spent the last 4 years dealing with the most closed Congress—the last Congress, in fact, had more closed rules than any Congress in American history—and then to be lectured about what is a travesty is itself a travesty. That's the real travesty. That many closed rules, and you come down here and want to tell us what is awful? Try standing here for the last 4 years and dealing with closed rule, closed rule, closed rule, no amendments. We're not going to let you represent your people because we're going to cram everything down. That's a travesty.

Let's get on with the democratic process because that's what it is when you get to hear from both sides. We heard from one side. We heard "travesty" several times, and now we'll get back to the democratic process.

And with that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute.)

Mr. ROGERS of Kentucky. Now that we do have the UC in place, we intend

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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to take up five amendments this evening, or this morning. There will not be recorded votes this evening. So Members that wish to would be able to leave, but we will debate five of the amendments under the UC and roll the votes until tomorrow.

Mr. Speaker, I also want to add briefly my thanks especially, along with Mr. DICKS, our thanks to Jennifer Miller on our side and David Pomerantz on the other side who are the ones who crafted this UC very diligently and very accurately, and we want to thank them especially for their work.

FULL-YEAR CONTINUING
APPROPRIATIONS ACT, 2011

The SPEAKER pro tempore. Pursuant to House Resolution 92 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1.

□ 0004

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, with Mr. GINGREY of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 11 printed in the CONGRESSIONAL RECORD, offered by the gentleman from Indiana (Mr. PENCE), had been postponed, and the bill had been read through page 359, line 22.

Pursuant to the order of the House of today, no further amendment may be offered except those specified in the previous order which is at the desk.

AMENDMENT NO. 533 OFFERED BY MR. YOUNG OF
ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Environmental Appeals Board to consider, review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic Coast under section 328(a) of the Clean Air Act (42 U.S.C. 7627(a)).

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, we must explore for and develop

the Arctic resources in an environmentally safe and sustainable manner, and we must allow that exploration work to proceed without bureaucratic impediments. This amendment accomplishes both.

This amendment would limit funds in the bill from being used by the Environmental Appeals Board, EAB, to invalidate any permit issued by the Environmental Protection Agency, EPA, for activities on the Arctic Outer Continental Shelf, OCS.

The EAB is an extension of the EPA that hears administrative appeals pertaining to permit decisions and civil penalty decisions of the agency. Very frankly, EAB is populated by environmental appeals judges who are lawyers associated with EPA or the Justice Department. This amendment does not circumvent the EPA's authority. Instead, it continues to give permitting decisions to the professionals in the regional office.

What this amendment will do is remove the ability for lawyers to overrule EPA permit writers. Over \$4 billion has been invested in trying to drill exploratory wells, and to date not a single well has been drilled because of one EPA air permit.

Mr. Chairman, I must say, this is an example of how an aid agency is trying to issue the permits correctly, but they have a board that can listen to someone who objects to it that rules against them. And we have, in fact, had a little over 680 leases in the Arctic Ocean, oil that we need being held up by bureaucrats. We will do this safely. The air will be clean. They're 80 miles from any human, other than those who work on these ships. And if you believe it's right to buy this oil from overseas, shame on you.

Again, we are spending close to \$40 billion this year or more buying foreign oil; 72 percent of our oil is coming from overseas. The right thing to do is allow us to take and explore and find out if that oil is there; and if it is, to develop it.

Remember, we're not the only ones in the Arctic anymore. Iceland, Greenland, China, Russia are all drilling. We're the only ones not involved; yet we have the best equipment, the best environmental wreckers in the Arctic. We have the proper equipment to do it safely. It's being held up by bureaucrats who don't want to issue the permits. EPA has said it's all right, but the review board says, no, it's not, within the agency itself. All it says, if they have the permit issued, then it should go forth, and let's get on to serving this country as we should for the benefit of this Nation, for the benefit of those so we don't have to go to war over in the Middle East over oil. So if you don't like what's going on over there, let's support this amendment. I believe it's the correct thing.

I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. MORAN. Mr. Chairman, the gentleman's amendment stops funding for—and I will quote—the Environmental Appeals Board to consider review, reject, remand, or otherwise invalidate any permit issued for Outer Continental Shelf sources located offshore of the States along the Arctic coast.

□ 0010

Now, the gentleman has shared with us a specific situation, but his amendment goes considerably beyond that. The appeals board is the final decision-maker on administrative appeals under all major environmental statutes that the Environmental Protection Agency administers. It's an impartial body, independent of all agency components outside the immediate office of the administrator. To support this amendment is to take away people's right to petition their government. This is an impartial board that looks out for the regular citizen. In fact, they just took great care and ruled on the side of Alaskans and courageously ruled against EPA's issuance of a permit to Shell Oil.

I thought the gentleman and his side of the aisle would take sincere joy in any decision ruling against EPA. But that's not the case, apparently. I guess EPA is okay as long as it doesn't use any Federal funds and rules exactly the way that you want them to. And, in fact, EPA did rule the way that the gentleman wants, it's just that we have an appeals board. That appeals board is there for good reason, has been for some time.

I don't have to tell the gentleman, but I think the other Members of this body should know that the Environmental Appeals Board found that EPA's analysis of the effect on Alaskan Native communities of nitrogen dioxide emissions from the drilling ships was too limited, ordered the agency to redo the work. It doesn't mean that they can't drill. The analysis is incomplete. We should let that legal process work and stop interfering in long-standing regulatory and administrative processes. The amendment will be seen as an assault on the environment and an affront to the Alaskans who engaged in this case.

I'm disappointed that the gentleman's position would appear to favor Big Oil over the small Alaskan villages that are being protected in this reconsideration. It doesn't mean that there won't be drilling; it simply means that the analysis to enable that drilling needs to be full and complete.

I urge defeat of the amendment and reserve the balance of my time, Mr. Chairman.

Mr. YOUNG of Alaska. Mr. Chairman, I want to suggest one thing. The native communities in Alaska support this. They support drilling. I've had them in my office. And to say that, I

represent that State, not Alexandria, Virginia. And they've come to me and said we need it.

I yield to the gentleman from Idaho, the chairman of the appropriations committee, Mr. SIMPSON.

Mr. SIMPSON. Beginning in 2005, the Shell Oil Company purchased leases in the Beaufort and the Chukchi Seas located within the Arctic Outer Continental Shelf. The company paid over \$2.1 billion for these lease rights, a reflection of the potentially vast reserves off of Alaska's coast.

Shell applied for air permits from the EPA for its Beaufort leases in 2006 and for the Chukchi in 2008. The company went through a lengthy and burdensome administrative process. Shell's permits were initially approved, but subsequently overturned by the EPA's Environmental Appeals Board. Last year, the Appropriations Committee addressed the problem by including language in the FY 2010 conference report specifically directing the agency to allocate sufficient funds and personnel to process the OCS permits in a timely manner. This simply did not happen. The company is effectively at square one after spending millions of dollars and thousands of man-hours.

Shell announced just this month that it had cancelled plans for drilling in the Arctic in the 2011 drilling season, which is a very short drilling season. They have spent millions on this and done everything by the book. And the appeals board has decided that because they should have foreseen that the rules were going to change, that they shouldn't have issued these air permits.

I think it's an overreach by the EPA and by the appeals board, and I support this amendment and would encourage my colleagues to vote for it.

Mr. MORAN. Mr. Chairman, I would underscore some points previously made.

Number one, we are not taking a position on the merits of this case. It may very well be, I would not be surprised, in fact, personally, that ultimately the drilling off the Arctic coast would be approved. But this is like taking a case to the district court. The district court agrees with you, and then the plaintiff appeals, goes to the appeals court. The appeals court disagrees or says that there needs to be more information. That's exactly what this appeals board did. Now, presumably, that information is being gathered. It will be presented. And when it is, I don't know why the appeals board would not agree with the EPA decision.

The problem with this amendment is we're setting a precedent to say, if we don't like the appeals board, we like the district court decision, which is in this case EPA's decision, then we accept EPA's decision, ignore that appeals process. That's what we're opposed to. It seems to me we ought not be legislating that kind of judicial decision that affects many people's lives and incomes, clearly, and the environment without a full hearing.

What's going to happen if this legislation were passed is that the decision-making process that allows this drilling will be suspect and a permit will not be able to be fully issued without reservation. So for that reason, I would suggest that the right thing to do is to defeat this amendment, Mr. Chairman.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MORAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alaska will be postponed.

AMENDMENT NO. 524 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I rise as designee of the gentleman from Michigan (Mr. CONYERS) and I am pleased to offer the amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available in this Act may be used to make an application under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) for an order requiring the production of library circulation records, library patron lists, book sales records, or book customer lists.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I now yield myself such time as I may consume.

Mr. Chairman, this is a bipartisan amendment sponsored by Mr. CONYERS, Mr. PAUL, myself and Mr. JONES. The amendment would prohibit the use of any funds made available in this act to make an application for what's commonly known as a section 215 order requiring the production of library circulation records, library patron lists, book sale records or book customer lists. The amendment is very narrowly drawn to protect the privacy of all Americans from unwarranted governmental investigation in an area directly related to their beliefs and private thoughts.

What we read, where we read, what we listen to, our interests, the type of information we seek, our private tastes in art and music all tell a great deal about us. The right to be free from the prying eyes of government in these areas is absolutely necessary to protect our rights of free speech, religious liberty, liberty of conscience, freedom of association and political freedom. This amendment will not prevent the government from obtaining this type of in-

formation provided it obtains the constitutionally required warrant. What it will stop is the use of 215 orders which are issued by the secret Foreign Intelligence Surveillance Court under standards so loose it is almost impossible for the government to get turned down, instead of the normal warrant. In fact, the secret court has become a virtual rubber stamp for the government.

The amendment also will not stop the use of section 215 orders in other investigations such as surveillance of computer communications, even if conducted in libraries. Section 215 authorizes the government to obtain "any tangible thing" so long as the government provides a "statement of facts showing that there are reasonable grounds to believe that the tangible things are relevant to a foreign intelligence or an international terrorism or espionage investigation."

□ 0020

This would include business records, library records, tax records, educational records, or medical records. Before the enactment of section 215, only specific types of records were subject to the orders issued by the secret court, and the government had to show "specific and articulable facts giving reason to believe that the person to whom the record pertains is a foreign power or an agent of a foreign power." In other words, specific reason to believe that the person you were talking about is either a foreign agent or a terrorist.

This dragnet approach of section 215, which does not need those specific facts, allows the government to review personal records even if there is no reason to believe that the individual involved has anything to do with terrorism. This poses a threat to individual rights in the most sensitive area of our lives with little restraint on the Congress.

While Congress has decided to extend the life of section 215 that does all these things for the next few months, during which I hope we can take a closer look at it and, if not reform it, then do away with it, I think it entirely inappropriate for us to provide some reasonable protection for these very limited and sensitive areas and in effect cutting out library records from the section 215 extension that we just voted.

Do not believe the scare tactics that this amendment might impede investigations and might make us vulnerable to terrorism. The government has many tools with which to investigate terrorism and other types of wrongdoing. In fact, section 215 is rarely used. Search warrants and other investigative tools would still be available to the government. But in any event, most of section 215 is unaffected by this amendment and will continue. This amendment pertains only to library records.

When we last considered this amendment a number of years ago, it passed

this House overwhelmingly with bipartisan support. Today, Representative CONYERS and I offer it with two Republican colleagues, the gentleman from Texas (Mr. PAUL) and the gentleman from North Carolina (Mr. JONES). I urge my colleagues to support this amendment dealing only with the library records aspect of section the 215.

I reserve the balance of my time.

Mr. WOLF. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. As the gentleman from New York knows, Congress is considering temporary extension of the same Patriot Act authorities that are targeted in this amendment.

The reauthorization process, not in this CR, is the proper venue to consider any changes to existing intelligence-gathering laws. Applications for FISA orders seeking library circulation records and book sales records may only be approved by the Director of the Federal Bureau of Investigation, the Deputy Bureau of the Federal Bureau of Investigation, or the Executive Assistant Director for National Security. This authority cannot be further delegated.

There is absolutely no evidence that this authority has been abused or misused to unlawfully acquire library or business records.

This prohibition could create a safe haven for terrorists to utilize America's libraries and bookstores to conduct research or communicate with each other. I urge my colleagues to vote "no."

I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, how much time do I have left?

The Acting CHAIR. The gentleman from New York has 1 minute remaining.

Mr. NADLER. I will yield the 1 minute to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Let me thank the gentleman from New York, and I thank the chairman of the subcommittee.

As the ranking member on the Subcommittee on Commerce and Justice, I rise in support of this amendment. I think that the prohibition is an appropriate one. It's a specific carve-out for library records related to American citizens.

These records still would be available under a warrant properly petitioned for and received through the secret court that handles these matters. But this would take away this administrative procedure which has been rarely used. And I agree with the gentleman from Virginia, there's no reason to believe that it would be abused in any way.

The real point here is that we as Americans find that our right to privacy, and particularly as relates to the library and our reading habits—that we do not have a circumstance that we have a fishing expedition by law enforcement.

So I support the prohibition amendment. And it did pass before by bipartisan vote; it's offered on a bipartisan basis, and I hope that the House favorably considers it.

Mr. WOLF. Mr. Chair, I urge a "no" vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 424 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. ____ . None of the funds made available by this Act may be used to provide any of the following types of assistance to Chad: international military education and training (IMET), foreign military financing (FMF), provision of excess defense articles, foreign military forces capacity assistance (section 1206 of the National Defense Authorization Act for Fiscal Year 2006), and direct commercial sales of military equipment.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, in 2008, this body passed the Child Soldiers Prevention Act. It was part of the William Wilberforce Human Trafficking Victims Protection Act. The bill declared that the United States would not provide military assistance to countries found guilty of child conscription.

With broad bipartisan support, we declared that this is an affront to human dignity and an affront to civilization itself. We made it known that all children, no matter where they are, should be on playgrounds and not battle-grounds.

Mr. Chairman, it is very difficult for us to envision that a child would be put in military fatigues, a gun in their hand, and then forced to fight. But it does happen, and it does happen in the world today.

The government of Chad, to which we provide military assistance, was found guilty of using child soldiers in the 2010 State Department Trafficking-in-Persons Report. As the law we passed provided, Chad was granted a national security interest waiver in the hopes that Chad would take serious and aggressive strides toward ending this se-

rious human rights violation and be a valuable military partner with the United States. But we have to ask, where is the progress?

With the withdrawal of the U.N. mission in Chad at the end of last year, children as young as 13 years old are now being preyed upon as child soldiers. In this past week, the United Nations and a respected international human rights organization both issued reports warning of Chad's continued flouting of our law. The Washington Post, along with other international media outlets, has given attention to this issue as well in recent days.

Mr. Chairman, to use child soldiers is wrong. This is why we passed the law in the first place. Yes, we want a good military relationship with Chad. Chad is a valuable military partner. But to strengthen that partnership, the horrific abuse of children must end.

So I offer this amendment as a challenge to our Government. We are operating inconsistently. We passed a law saying one thing, but we continue military assistance with no apparent attentiveness to stopping the pernicious use of child soldiers.

Mr. Chairman, several years ago I was in the country of Liberia. I had the opportunity to visit the interior part of that country as well. Liberia had gone through a devastating civil war, and this particular area we were in had been caught in a very bad crossfire between rebel groups, and I was invited to visit a missionary school there run by a British Catholic priest.

As we entered the compound, the beautiful children came out and sang us a song and greeted us. And this priest told us that during the worst part of the war, he himself had been abducted, his children had been left unattended, and many had died of starvation. He showed me the mass grave.

□ 0030

But he also asked me to spend a few more minutes with him. We went to a classroom and he discretely pulled two young boys out of that classroom. He told me they had been child soldiers. One had been shot in the hip. The other had had his father killed while he was standing next to him. Both of the boys were withdrawn. They wouldn't look me in the eye. Clearly they were deeply wounded. But this priest wanted to thank me and to thank the American people for providing a little bit of assistance to him to help integrate these children back to some degree of normalcy.

So which way are we going to have it? We need to be consistent. On one side of the hallway we have a very good program to help heal those who have been victimized by child soldiers, but on the other side we are aiding a government that is not stopping this pernicious practice.

William Wilberforce, the British statesman and unyielding abolitionist, for whom our antihuman trafficking law is named, said this: "You may

choose to look the other way, but you can never say again that you did not know.”

Mr. Chairman, we must make it clear to the government of Chad that we now know, and we cannot look the other way.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, I want to commend the gentleman for his outstanding work on this important issue. We want the gentleman to know that we are prepared on our side to accept his amendment.

Mr. FORTENBERRY. I appreciate that. Thank you for the kind words.

Mr. CARTER. If the gentleman will yield, we also will accept the amendment.

Mr. FORTENBERRY. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Nebraska (Mr. FORTENBERRY).

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided by this Act are revised by reducing the amount made available for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services”, by reducing the amount made available for “Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research, and Training”, by reducing the amount made available for “Department of Health and Human Services, National Institutes of Health”, and by increasing the amount made available for “Department of Health and Human Services, Health Resources and Services Administration, Health Resources and Services”, by \$14,000,000, by \$14,000,000, by an additional \$14,000,000, and by \$42,000,000, respectively.

The Acting CHAIR. Pursuant to the order of the House of today, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, this is the full year continuing appropriations act which would help people living with HIV/AIDS who cannot afford their treatment by reallocating additional funding to our Nation’s AIDS Drug Assistance Program.

It is unconscionable that, in 2011, we often have the resources to save lives but wait until a crisis before taking action. Just this month, thousands of Floridians living with HIV/AIDS were on the verge of losing access to their life-saving drugs as Florida’s ADAP ran out of money.

Current funding levels for ADAP are unsustainable.

Due to state budget cuts and an increase in the number of individuals who rely on ADAP for HIV/AIDS-related drugs and services, 10 states, including Florida, have had to create ADAP waiting lists and cut services.

As of February 3, my home state of Florida has accounted for over half of the 6,001 individuals on ADAP waiting lists nationwide (3,085 individuals). In fact, Florida has the third-highest HIV/AIDS population in the country and the highest rate of new infections.

Ensuring access to treatment remains key to combating HIV/AIDS. Antiretroviral drugs can increase the life expectancy of a person living with HIV/AIDS by at least 24 years.

When incorporated into comprehensive strategies, antiretroviral drugs can also help reduce the spread of HIV by up to 92 percent.

Currently, the lifetime cost of living with HIV/AIDS is \$618,900. If we do not take action now, the future costs of HIV/AIDS will amount to \$12.1 billion per year, with drugs making up 70 percent of the cost. We cannot afford to turn a blind eye to this crisis; the costs are simply too high.

My amendment reallocates \$14 million from each of the Fiscal Year (FY) 2011 administrative budgets of the Centers for Disease Control and Prevention (CDC), Health Resources and Services Administration (HRSA), and National Institutes of Health (NIH) in order to provide \$42 million to ADAP.

According to the Congressional Budget Office, if enacted, my amendment would save \$1 million in new FY 2011 expenditures. Furthermore, it would have no net budget authority effect for FY 2011.

Mr. Chairman, we can and must do better. I urge my colleagues to support increased funding for our nation’s ADAP by voting in favor of my amendment.

By reallocating desperately-needed funds to ADAP, we are helping states like Florida ensure that low-income individuals living with HIV/AIDS have access to the medications and services they need to stay alive while stemming the tide of new infections and saving our nation money in the long-term.

Mr. Chairman, I am pleased at this time to yield 1½ minutes to my distinguished colleague and very good friend and colleague from Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. I thank the gentleman for yielding.

I rise today in support of Amendment 23 offered by Mr. HASTINGS, my good friend from Florida, which would help people living with HIV/AIDS afford treatment through the vital AIDS Drug Assistance Program. This program, known as ADAP, provides HIV-related prescription drugs to low-income people with HIV/AIDS who have limited or no prescription drug coverage.

This essential national program is undeniably in the midst of a devastating funding crisis. The combination of an economic recession, State budget cuts, and increased testing and diagnosis of HIV have created the perfect storm against ADAP’s fiscal situation—more patients are requiring ADAP treatment as the program has been emptied out. This has resulted in drastic cuts in services provided and

thousands in 10 different States have ended up on waiting lists to receive these necessary lifesaving drugs.

In my own State of Florida, with the largest of all such waiting lists, 3,276 individuals languish without access to affordable lifesaving treatment. Our State has lowered financial eligibility down to 300 percent of the Federal poverty level, while at the same time reducing the formulary for the patients who still qualify.

This is an enormous problem for a State with the third highest HIV/AIDS population and the highest rate of new infections in the country. You may be shocked to know that the new infection rate in south Florida is higher than in Africa. We cannot let this happen in our own backyard to our neighbors and our constituents.

Though our administration has demonstrated that funding ADAP is a priority, we just keep hitting the wall. Current funding levels for this program are unsustainable and we must do more to help. This amendment would help give the ADAP program a much-needed boost and help thousands of patients access the treatment they so desperately need.

In this budgetary climate, we must make smart and sensible decisions. Where we can afford to make an administrative haircut, if the tradeoff is saving lives, it is our moral imperative to do so. By reallocating these greatly needed funds to save ADAP, we ensure that people living with HIV/AIDS in our communities can access the treatment they need to stay alive while we stem the tide of new infections and save our Nation money in the long term.

I strongly urge you to support the efforts of this responsible and compassionate amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I rise in opposition to the gentleman’s amendment.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Mr. Chairman, I understand what Mr. HASTINGS is doing here and I, too, support the work of the AIDS Drug Assistance Program and what it does across the country, assuring that more than 500,000 Americans that cannot otherwise afford it receive the drugs that they need for the HIV virus. This is one of the critical services that is offered to many who cannot afford it. It helps to improve their health and to maintain the public’s health in general.

Just last year, the Department of Health and Human Services had to reallocate \$25 million to help States that had a lengthy waiting list, people hanging in limbo without access to the medication that we know will help them. And in these difficult economic times, more and more people find themselves also unable to afford treatment. More than 700 Americans were

put on that waiting list in 1 month in 2010.

Improving access to care is a priority for me and my colleagues, but this amendment is one that attempts to correct a piece of legislation that is not fixable. We simply cannot rob Peter to pay Paul.

This amendment will pull important resources from two accounts that the Republicans have already decimated that are critical to the public health of our country: the CDC, Centers for Disease Control, and the National Institutes of Health. I therefore encourage my colleague from Florida to work with me to defeat this reckless continuing resolution rather than amend a bill that is beyond repair.

Mr. CARTER. Will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Texas.

Mr. CARTER. We have no objection to this amendment and are prepared to accept the amendment.

Mr. HASTINGS of Florida. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 483 OFFERED BY MR. FORTENBERRY

Mr. FORTENBERRY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . None of the funds made available by this Act may be used for or in sterilization campaigns.

Mr. CARTER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIR. A point of order is reserved.

Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. FORTENBERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. FORTENBERRY. Mr. Chairman, recently a woman came to my children's school to talk about the healing power of forgiveness. She was a survivor of the 1994 Rwandan genocide when nearly 1 million people were mercilessly hunted, hacked and killed.

Now let's fast forward to the year 2007. In an ironic twist, Rwanda's President Kagame expressed his interest in reducing the number of births of children in that country by 50 percent. In recent weeks, confusing reports have surfaced as to whether the Rwandan Government had launched a campaign setting a target for hundreds of thousands of male sterilizations. While the reports which implied possible complicity of U.S.-funded organizations were subsequently dismissed, the con-

cerns they raised are very real. Let's note China's one-child policy, or Fujimori's Peru.

Mr. Chairman, the United States should be a champion for human dignity, and yet, sadly, we have our own sorted past with sterilization campaigns. In 1924, the State of Virginia passed what was called the Racial Integrity Act, which remained intact well into my own lifetime, until it was overturned by the Supreme Court.

□ 0040

I think the title "The Racial Integrity Act" speaks for itself; legislation so outrageous that then-Governor WARNER, now Senator WARNER, issued a statement of apology in 2002 saying, "We must remember the Commonwealth's past mistakes in order to prevent them from recurring."

Mr. Chairman, this is a proscriptive amendment, which I believe is consistent with current law, that seeks to prevent human rights abuse, that just says, No, we will not return to this shameful past, nor will we impose it on other people in other places with America's tax dollars.

This amendment, I believe, is a reasonable application and extension of the current law. It is important because sterilization campaigns involving a subtle element of real or perceived moral suasion directed at vulnerable individuals can easily blur the distinction between what is voluntary and involuntary. The question here is whether to take hard-earned taxpayer dollars and apply them in these campaigns—aggressive outreach efforts—to sterilize persons.

Mr. Chairman, while I recognize that this amendment has been ruled out of order, I do believe it is a reasonable application and extension of current law. However, I will accept the judgment of the Chair and withdraw this amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 486 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. ____ . (a) None of the funds made available by this Act may be used by the Environmental Protection Agency to implement, administer, or enforce any statutory or regulatory requirement pertaining to emissions of carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons from stationary sources that is issued or becomes applicable or effective after January 1, 2011.

(b) In this section, the term "stationary source" has the meaning given such term in section 111(a)(3) of the Clean Air Act (42 U.S.C. 7411(a)(3)).

The Acting CHAIR. Pursuant to the order of the House of today, the gen-

tleman from Texas (Mr. POE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE of Texas. Thank you, Mr. Chair.

I'd like to thank my fellow Texans, Mr. BARTON and Mr. CARTER, for co-sponsoring and introducing amendment No. 466 in their commitment to block funding for new EPA greenhouse gas mandates.

This amendment will eliminate funding for the EPA to be used to implement, administer, or enforce any statutory or regulatory requirement pertaining to the emissions of greenhouse gases from stationary sources. This amendment will put an end to any backdoor attempt made by the EPA to regulate greenhouse gases to go around Congress and circumvent the will of the people. Americans have rejected this policy. Despite being rejected by Congress, the administration has ignored the will of the people and the law to further some political agenda.

It's absolutely necessary that Congress take immediate action to ensure that the EPA does not continue to destroy industry across the board in our country. We're in the midst of a massive economic downturn, and the last thing we need to do is to shoot ourselves in the foot with unnecessary, expensive new regulations that are on business and industry, not to mention Americans will be left holding the bag.

Past attempts to regulate greenhouse gases would cost American taxpayers up to \$200 billion a year, the equivalent of hiking personal income taxes up about 15 percent, or cost each American household an extra \$1,700.

This amendment, section 1746 of the CR, says that none of the funds made available to the EPA are to be used to enforce or promulgate any regulation relating to State limitation plan or permits. Further, amendment No. 466 takes the CR a step further, prohibiting the EPA from enforcing national regulation of greenhouse gases similar to the cap-and-trade regulation.

This amendment basically prohibits the EPA from overregulating not only the State of Texas but the rest of the States regarding greenhouse gases. Probably no Member of Congress represents more refineries than I do in southeast Texas; and the regulatory process, the overregulation of the EPA coming in and trying to now regulate the State of Texas regarding greenhouse gases is a detriment to the industry. The State of Texas regulates greenhouse gases. The State of Texas regulates the industry. It has done a good job. This is overreaching on the part of the EPA. And it's time for the EPA not to put industry out of business and put the refinery industry out of business.

This amendment will rein them in and prohibit them from implementing the so-called cap-and-trade philosophy on States such as Texas and other States.

[From the Wall Street Journal, Jan. 4, 2011]

THE EPA'S WAR ON TEXAS

The Environmental Protection Agency's carbon regulation putsch continues, but apparently abusing the clean-air laws of the 1970s to achieve goals Congress rejected isn't enough. Late last week, the EPA made an unprecedented move to punish Texas for being the one state with the temerity to challenge its methods.

To wit, the EPA violated every tenet of administrative procedure to strip Texas of its authority to issue the air permits that are necessary for large power and industrial projects. This is the first time in the history of the Clean Air Act that the EPA has abrogated state control, and the decision will create gale-force headwinds for growth in a state that is the U.S. energy capital. Anyone who claims that carbon regulation is no big deal and that the EPA is merely following the law will need to defend this takeover.

Since December 2009, the EPA has issued four major greenhouse gas rule-makings, and 13 states have tried to resist the rush. The Clean Air Act stipulates that pollution control is "the primary responsibility of states and local government," and while the national office sets overall priorities, states have considerable leeway in their "implementation plans." When EPA's instructions change, states typically have three years to revise these plans before sending them to Washington for approval.

This summer, the 13 states requested the full three years for the costly and time-consuming revision process, until the EPA threatened economic retaliation with a de facto construction moratorium. If these states didn't immediately submit new implementation plans to specification, the agency warned, starting in 2011 projects "will be unable to receive a federally approved permit authorizing construction or modification." All states but Texas stood down, even as Texas continued to file lawsuits challenging the carbon power grab.

Two weeks ago, EPA air regulation chief Gina McCarthy sent the Texas environmental department a letter asserting that the agency had "no choice" but to seize control of permitting. She noted "statements in the media" by Texas officials and their "legal challenges to EPA's greenhouse gas rules," but she cited no legal basis.

And no wonder. The best the EPA could offer up as a legal excuse for voiding Texas's permitting authority last Thursday was that EPA had erred in originally approving the state's implementation plan—in 1992, or three Presidents ago.

The error that escaped EPA's notice for 18 years was that the Texas plan did not address "all pollutants newly subject to regulation . . . among them GHGs [greenhouse gases]." In other words, back then Texas hadn't complied with regulations that didn't exist and wouldn't be promulgated for another 18 years.

The takeover was sufficiently egregious that the D.C. circuit court of appeals issued an emergency stay on Thursday suspending the rules pending judicial review. One particular item in need of legal scrutiny is that the permitting takeover is an "interim final rule" that is not open to the normal—and Clean Air Act-mandated—process of public notice and comment. So much for transparency in government.

The EPA claims its takeover is a matter of great urgency, but Texas is being preemptively punished for not obeying rules that don't exist today because the EPA hasn't finalized them. "Now, at this early stage, there's no specifics to tell you about the rules in terms of what we're announcing today, other than they will be done and we'll

move—take steps moving forward in 2011," Mrs. McCarthy told reporters on a conference call last week about the agency's "performance standards" for oil refineries, power plants, cement manufacturers and other such CO₂-heavy facilities.

"It's way too early in the game right now to be talking about what we think the standards are going to look like," she added helpfully. "Today's announcement is just the fact we're going to move to those standards."

This and other permitting uncertainties have brought major projects in the U.S. to a standstill. The Texas takeover in particular is pure political revenge and an effort to intimidate other states from joining the Texan lawsuits. The reason states are supposed to run the clean-air process is that local regulators have the staff, capacity and expertise that Washington lacks. When the carbon rules eventually are issued, that means the takeover will extend the current moratorium even longer in Texas.

The EPA concedes that some 167 current projects will be affected, and many more in the future. Our guess is that all of them will be delayed for years and many will simply die. This is precisely the goal of a politically driven bureaucracy that wants to impose by illegal diktat the anticarbon, anti-fossil fuel agenda that the Obama Administration has been unable to pass by democratic consent.

With that, I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 10 minutes.

Mr. MORAN. Thank you, Mr. Chairman.

Mr. Chairman, this entire bill, this CR, is replete with amendment after amendment targeting the public's health and the environment. This is one of the worst, at least in its intent. As a practical matter, it's not clear why this amendment is being offered, really, as it appears to duplicate section 1746 of the underlying bill. But both section 1746 and this amendment are truly radical attempts to stop the Environmental Protection Agency from doing its job of protecting the health and welfare of every American.

This particular amendment would bar EPA from addressing carbon pollution, period—pollution which seriously endangers public health and the environment. It not only guts the Clean Air Act, but it also imposes a job-destroying construction ban in many States. According to the National Academy of Sciences and the premier scientific organizations of all the world major economies, man-made carbon pollution is changing the climate and is endangering the public's health and the environment.

The American Lung Association, the American Public Health Association, and thousands of doctors, nurses, and other public health professionals support EPA's action on this public health threat; but this amendment bars EPA from acting, from carrying out its legal responsibility. Under the Clean Air Act, companies building large new facilities like power plants and refineries need to make sure that they have

taken reasonable steps to reduce their carbon pollution because it's easier to control pollution from the beginning, the point where a facility is being built, rather than waiting and trying to retrofit it after it has been constructed.

All EPA is asking is that these large new facilities be energy efficient. They can meet the standard if they simply meet energy efficiency standards. The Poe amendment, though, would prevent EPA from implementing this commonsense requirement to protect the public health from the largest and most dangerous sources of carbon pollution.

EPA has also indicated it plans to set minimum Federal standards for the two largest sources of carbon pollution, which are power plants and oil refineries. This amendment would prevent EPA from even proposing these standards. Those standards are really a limitation on what they could and I think should be doing in terms of regulating pollution throughout the country. But they're going to stick to the two largest sources.

Ironically, given all of the rhetoric we've heard about environmental regulations hurting the economy, this Poe amendment is a job-destroyer. Under the Clean Air Act, a company wanting to build or expand a power plant or other facility has to get a permit for that facility's carbon pollution before beginning construction. The Poe amendment does nothing to change that. What it does do is take away EPA's authority to issue those permits. So that basically amounts to a construction ban.

□ 0050

This is more than a paperwork problem. In essence the Poe amendment will impose that de facto construction ban on jobs in all or parts of at least 13 States. And without the needed permits, construction cannot proceed. So a vote for the Poe amendment would be a vote not only against the Clean Air Act, it is a vote for a de facto construction ban. Thousands of jobs lost in States across this country. That's why we very strongly oppose the Poe amendment. We do support EPA's authority to cut carbon pollution and allow the construction of energy-efficient power plants, refineries and other facilities to proceed as planned.

I reserve the balance of my time.

Mr. POE of Texas. Contrary to what the gentleman says, in the State of Texas, the power plants, the refineries are already being regulated. They're being regulated by the State of Texas. And unless this amendment passes, the refineries, those that I represent probably more than any person in the United States—this new added burden by the EPA coming in will make those at the refineries lose their jobs. The administration has already done a good job of trying to close down the oil industry in the Gulf of Mexico by not lifting the permitting process. Now the

administration with this requirement, contrary to the law of Congress, since Congress has not passed a cap-and-trade philosophy, will put those refineries and workers at harm, and they will lose their jobs because of the new EPA regulatory process that is not necessary.

With that, I yield as much time as he wishes to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding.

I rise in support of this amendment. I disagree with my friend across the aisle. I don't believe this amendment will be a job killer. I believe it will be a job protector. But more so, it's a faith protector in the opportunity to have a job.

When we were debating in Congress this very issue of cap and trade, back home where I live and all across the State of Texas and in other parts of the country where I was privileged to travel, people were asking, Please, are they really going to impose this crazy legislation upon us at the cost of our jobs and jack up the cost of our energy?

A lot of small businesses said, I don't know what to do, because this thing is looming out there. If it becomes law, I have the feeling it's going to put me out of business because I'm not going to be able to afford the disastrous cost it's going to take to keep me in operation. These are just small business owners.

Meanwhile, those in the refining and power industries looked at this thing and said, Good Lord, what is this going to do to us? How many people are we going to be able to keep on? And who are we going to have to lay off so we can meet these onerous requirements?

And the people of the United States and this Congress basically said no to the President and no to the Democratic majority of the last few years. So the result was a sigh of relief, not only in my hometown but in hometowns across America; a sigh of relief, because they looked at this thing and said, This doesn't make sense. They're trying to regulate the air we breathe. It just shocks people as to what it might do to their cost.

Now I just came tonight to ask one question, a very simple question, the question everybody in my district has been asking me. What is it about the word no that these folks don't understand? Because they have been told no, and I think it should remain no.

We should support this amendment.

Mr. POE of Texas. I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, may I inquire as to the remaining time on each side?

The Acting CHAIR. The gentleman from Virginia has 6 minutes remaining, and the gentleman from Texas has 3½ minutes remaining.

Mr. MORAN. Mr. Chairman, at this point I would yield 4 minutes to the distinguished gentleman from Washington, Mr. JAY INSLEE, one of the

House's premier experts on the issue of air pollution.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chair, anyone who has ever seen a child gasping for breath due to a persistent asthma problem, which are most of us in America, should be adamantly opposed to this amendment, because it would strip the legal right and obligation of Uncle Sam to protect our children's right to breathe.

Now I just heard something incredible from one of my Republican colleagues. They said they were astounded at the precept that Uncle Sam has that responsibility. Well, you know we've had that responsibility for 40 years. Under the guidance of the idea of Teddy Roosevelt and Republican Richard Nixon, we adopted the Clean Air Act 40 years ago, through a bipartisan effort. And that Clean Air Act has prevented 18 million cases of respiratory problems in our kids, 840,000 severe asthma hospitalizations and 200,000 deaths.

And as a result of that success, do you know what the Republican Party wants to do tonight? They want to effectively repeal the Clean Air Act when it comes to these gases. And these are not benign gases. Carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, sulfur hexafluoride, perfluorocarbons. They want to hide and say we're not repealing the Clean Air Act, we're just making it illegal to enforce it. It won't do to say we're going to make it illegal for the FBI to arrest terrorists.

Look, Americans are opposed to repealing the Clean Air Act, and they are opposed to the Republicans making it impossible for the EPA to do their job, by a 2-to-1 margin, and they're opposed to it for several reasons.

Number one, Republicans and Democrats both believe we have a legal obligation to protect our kids from asthma. It's that simple. And Republicans and Democrats share one common precept. We both like to breathe. And that breathing is now in question for our kids. It's incredible to me to think the Republicans are going to leave our kids breathless on occasion. That is breathless in itself.

Number two, this really is an attack on science, because the science is very clear on this. You quote from all the scientific research. Dr. Jacobson—and this I just want to quote—showed by cause and effect that carbon dioxide emitted regionally around the globe increases ozone, particle and carcinogen air pollution health problems in the United States. The science shows this is a problem. And we ought to embrace science as Republicans and Democrats instead of listening to the polluting industries, which want to give license to put untold, indefinite, infinite amounts of these carcinogens into our atmosphere. That is just plumb wrong.

The third reason Americans know this Republican effort to gut the Clean

Air Act is wrong. They are not attempting to revise a rule or modify a rule, or come to us with some common-sense effort to make it work. They are eliminating the ability of the Federal Government to protect the air we breathe in total—a one hundred percent elimination of the ability of EPA legally to follow this rule.

The Supreme Court ruled last year that this is a legal obligation. Some of my Republican colleagues said, yeah, that was only a 5-4 decision, so I guess we can ignore it. Well, that 5-4 decision seemed to have been good enough in Bush v. Gore for them. It ought to be good enough to follow the law of the land, which is to enforce this clean air law for the benefit of our children.

The fourth reason Americans are opposed to this Republican effort to stop EPA from doing its job. Americans know today we are in a race for job creation, and that race is with China.

The Acting CHAIR. The time of the gentleman has expired.

Mr. MORAN. I yield the gentleman an additional 1 minute.

Mr. INSLEE. The fact of the matter is Americans know we are in a race today for job creation, and that is a race with China to find out who is going to sell the products and who is going to have the jobs in electric cars, in solar panels, in wind turbines, in efficiency, in electric charging stations, in new efficiencies to make our homes and businesses run more efficiently. And tonight the Chinese are laughing at us, that the Republicans would come here and take the pedal off the metal, which is the EPA, to try to drive investment to these new clean energy sources.

These are the jobs of the future. If we're going to have these jobs of the future, we have to start moving off of this pollution and stop accepting this pollution. We have to get in this global game. And if we get in this global game, we're going to win. The reason we're going to win is we're the country that went to the Moon, and we are the country with the innovative talent and the creative spirit and the business people that can grow these nonpolluting industries. But not if the Republicans get their way and just let pollution continue.

Let's reject this flawed attempt to gut the Clean Air Act.

□ 0100

Mr. MORAN. Mr. Chair, I reserve the balance of my time.

Mr. POE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BARTON), who knows as much about the Clean Air Act as anybody.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. So much to say, so little time.

Mr. Chairman, first, let me point out that CO₂, the greenhouse gas that is most under discussion, is not a pollutant under the classical definition of the

Clean Air Act. I am creating CO₂ as I speak. The gentleman from Washington, who was just speaking, as he spoke, was creating CO₂. If you have a carbonated beverage, the reason it bubbles and it is called "carbonated" is because of CO₂. Greenhouse gases are necessary to human life. They're what keep the planet warm. They're what trap heat so we have an atmosphere that we can exist in.

There is not a definition of a health exposure to CO₂. The theory that CO₂ is harmful is based on a theory that the amount of greenhouse gases, specifically CO₂, in the upper atmosphere, as it increases, so many parts per billion somehow affect the ability of the Earth to accumulate or dispense heat. It is a theory. There is nobody in this country or anywhere in the world who has been harmed because of manmade CO₂. You cannot point to cases of CO₂ poisoning.

So, when my friends who oppose this amendment talk about carbon pollution, they're using a definition that is very loose and very nebulous.

The second point is that there is no question that the Clean Air Act, as passed and as amended in 1990, did not include CO₂ as a criterion pollutant. Because of a case, Massachusetts vs. EPA, the Supreme Court ruled—and my friend from Washington was correct—5-4 that the EPA could make a decision to regulate CO₂. Could—not should, not must—but could.

The Bush administration began a process to analyze that decision. The Obama administration came in, and within the first 90 days, issued an endangerment finding, not based on independent analysis, but based more on press releases as far as I can say. They said, yes, by golly, that CO₂ was a pollutant and that, yes, they could regulate it. They have since been trying to shoehorn CO₂ regulation into the tenets of the original Clean Air Act.

The amendment before us this evening that Mr. POE, Mr. CARTER, and I have promulgated simply says: Let's take a timeout on CO₂ regulation for the next 7 months. Let's actually define what the greenhouse gases are that we want to look at, and let's restrict the analysis to stationary sources on the regulations that are implemented after January 2011.

The Acting CHAIR. The time of the gentleman has expired.

Mr. POE of Texas. I yield the gentleman an additional 20 seconds.

Mr. BARTON of Texas. There is no question that if you regulate CO₂ under the Clean Air Act you are going to destroy millions of jobs, which will cost hundreds of billions of dollars, without any real economic analysis to show that it is a harm.

So I support the Poe-Carter-Barton amendment, and I hope that the whole House will.

Mr. POE of Texas. I reserve the balance of my time.

Mr. MORAN. Mr. Chairman, there are actually a couple of points that I would share with the gentleman who had been

the ranking member and who is now the senior member of the Energy and Commerce Committee.

The committee could pass legislation if they chose. I don't think this is the correct vehicle, a continuing resolution on funding activities, to be making law with regard to the Clean Air Act.

Secondly, as Mr. INSLEE informs me, the 5-4 decision of the Supreme Court said if you can show that there is an adverse health effect, then EPA is required by law to address that. That's what EPA is trying to do. That's what this amendment would prevent EPA from doing.

Now, it is not theory. Climate change is fact. It is real. Future generations will look back upon this generation and will wonder, how could our parents and grandparents have been so unmindful of the health effects that our families are experiencing.

The Acting CHAIR. The time of the gentleman has expired.

Mr. BARTON of Texas. Mr. Chairman, I ask unanimous consent to extend for 30 seconds the remaining time on both sides.

The Acting CHAIR. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MORAN. That is certainly fair. I thank the gentleman.

Mr. Chairman, there is an ongoing discussion as to theory and fact. We are convinced that the facts are there. They are science-driven facts. In fact, the melting of the polar ice cap has had a direct effect upon the concentration of moisture in the atmosphere, which is then causing the volatility: the extreme nature of the snowstorms, the flooding, even the droughts that we have been experiencing. There is no question but that in the last decade we have had the warmest years on record.

These are facts, but this is not the vehicle in which they should be debated and at 1 a.m. in the morning. I just simply would urge that we defeat this amendment. It is the wrong amendment and the wrong vehicle.

The Acting CHAIR. The time of the gentleman has again expired.

The gentleman from Texas has 45 seconds remaining.

Mr. POE of Texas. It is my understanding that the committee is going to move a standalone bill in the next few months on the very issue of CO₂.

Mr. Chairman, this amendment is very simple. It prohibits the EPA from overreaching and from expanding its authority that Congress, in my opinion, has not given it to do. CO₂. We all breathe CO₂. Climate changes, but there is no evidence at all that it is manmade CO₂ that causes the climate to change. The climate has been changing, well, for thousands and thousands of years.

I urge my fellow Members of this House to support this amendment to rein in the oppressiveness of the EPA. States like Texas already regulate the

air through their State regulatory processes, so I ask that all Members support amendment No. 466.

Mr. POE of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. POE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

Mr. CARTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. GINGREY of Georgia, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes, had come to no resolution thereon.

□ 0110

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. ROSS, Arkansas
Mr. CHANDLER, Kentucky
Mr. DAVID SCOTT, Georgia
Ms. SCHWARTZ, Pennsylvania

APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 3003 note, and the order of the House of January 5, 2011, the Chair announces the Speaker's appointment of the following Members of the House to the Commission on Security and Cooperation in Europe:

Mr. HASTINGS, Florida
Ms. SLAUGHTER, New York
Mr. MCINTYRE, North Carolina
Mr. COHEN, Tennessee

PUBLICATION OF COMMITTEE RULES

RULES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE FOR THE 112TH CONGRESS

FEBRUARY 17, 2011.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Clause 2 of Rule XI of the Rules of the House, I am

submitting the Rules of the Permanent Select Committee on Intelligence for printing in the Congressional Record. On February 9, 2011, the Committee adopted these rules by recorded vote with a quorum present.

Sincerely,

MIKE ROGERS,
Chairman.

RULES OF PROCEDURE FOR THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, UNITED STATES HOUSE OF REPRESENTATIVES, 112TH CONGRESS

1. MEETING DAY

Regular Meeting Day for the Full Committee. The regular meeting day of the Committee for the transaction of Committee business shall be the first Thursday of each month, unless otherwise directed by the Chair.

2. NOTICE FOR MEETINGS

(a) Generally. In the case of any meeting of the Committee, the Chief Clerk of the Committee shall provide reasonable notice to every member of the Committee. Such notice shall provide the time, place, and subject matter of the meeting, and shall be made consistent with the provisions of clause 2(g)(3) of House Rule XI.

(b) Hearings. Except as provided in subsection (d), a Committee hearing may not commence earlier than one week after such notice.

(c) Business Meetings. Except as provided in subsection (d), a Committee business meeting may not commence earlier than the third day on which Members have notice thereof.

(d) Exception. A hearing or business meeting may begin sooner than otherwise specified in either of the following circumstances (in which case the Chair shall provide the notice at the earliest possible time):

(1) the Chair, with the concurrence of the Ranking Minority Member, determines there is good cause; or

(2) the Committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business.

(e) Definition. For purposes of this rule, "notice" means:

- (1) Written notification; or
- (2) Notification delivered by facsimile transmission, regular mail, or electronic mail.

3. PREPARATIONS FOR COMMITTEE MEETINGS

(a) Generally. Designated Committee Staff, as directed by the Chair, shall brief members of the Committee at a time sufficiently prior to any Committee meeting in order to:

- (1) Assist Committee members in preparation for such meeting; and
- (2) Determine which matters members wish considered during any meeting.

(b) Briefing Materials.

(1) Such a briefing shall, at the request of a member, include a list of all pertinent papers, and such other materials, that have been obtained by the Committee that bear on matters to be considered at the meeting; and

(2) The Staff Director shall also recommend to the Chair any testimony, papers, or other materials to be presented to the Committee at the meeting of the Committee.

4. OPEN MEETINGS

(a) Generally. Pursuant to House Rule XI, but subject to the limitations of subsections (b) and (c), Committee meetings held for the transaction of business and Committee hearings shall be open to the public.

(b) Meetings. Any meeting or portion thereof, for the transaction of business, including the markup of legislation, or any hearing or portion thereof, shall be closed to

the public, if the Committee determines by record vote in open session, with a majority of the Committee present, that disclosure of the matters to be discussed may:

- (1) Endanger national security;
- (2) Compromise sensitive law enforcement information;
- (3) Tend to defame, degrade, or incriminate any person; or
- (4) Otherwise violate any law or Rule of the House.

(c) Hearings. The Committee may vote to close a Committee hearing pursuant to clause 11(d)(2) of House Rule X, regardless of whether a majority is present, so long as at least two members of the Committee are present, one of whom is a member of the Minority and votes upon the motion.

(d) Briefings. Committee briefings shall be closed to the public.

5. QUORUM

(a) Hearings. For purposes of taking testimony, or receiving evidence, a quorum shall consist of two Committee members, at least one of whom is a member of the Majority.

(b) Other Committee Proceedings. For purposes of the transaction of all other Committee business, other than the consideration of a motion to close a hearing as described in rule 4(c), a quorum shall consist of a majority of members.

6. PROCEDURES FOR AMENDMENTS AND VOTES

(a) Amendments. When a bill or resolution is being considered by the Committee, members shall provide the Chief Clerk in a timely manner with a sufficient number of written copies of any amendment offered, so as to enable each member present to receive a copy thereof prior to taking action. A point of order may be made against any amendment not reduced to writing. A copy of each such amendment shall be maintained in the public records of the Committee.

(b) Reporting Record Votes. Whenever the Committee reports any measure or matter by record vote, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of, and the votes cast in opposition to, such measure or matter.

(c) Postponement of Further Proceedings. In accordance with clause 2(h) of House Rule XI, the Chair is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time after reasonable notice. When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(d) Availability of Record Votes on Committee Website. In addition to any other requirement of the Rules of the House, the Chair shall make the record votes on any measure or matter on which a record vote is taken, other than a motion to close a Committee hearing, briefing, or meeting, available on the Committee's website not later than 2 business days after such vote is taken. Such record shall include an unclassified description of the amendment, motion, order, or other proposition, the name of each member voting in favor of, and each member voting in opposition to, such amendment, motion, order, or proposition, and the names of those members of the Committee present but not voting.

7. SUBCOMMITTEES

(a) Generally.

(1) Creation of subcommittees shall be by majority vote of the Committee.

(2) Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct.

(3) Subcommittees shall be governed by these rules.

(4) For purposes of these rules, any reference herein to the "Committee" shall be interpreted to include subcommittees, unless otherwise specifically provided.

(b) Establishment of Subcommittees. The Committee establishes the following subcommittees:

(1) Subcommittee on Terrorism, Human Intelligence, Analysis, and Counterintelligence;

(2) Subcommittee on Technical and Tactical Intelligence; and,

(3) Subcommittee on Oversight and Investigations.

(c) Subcommittee Membership.

(1) Generally. Each member of the Committee may be assigned to at least one of the subcommittees.

(2) *Ex Officio* Membership. In the event that the Chair and Ranking Minority Member of the full Committee do not choose to sit as regular voting members of one or more of the subcommittees, each is authorized to sit as an *ex officio* member of the subcommittees and participate in the work of the subcommittees. When sitting *ex officio*, however, they:

(A) Shall not have a vote in the subcommittee; and

(B) Shall not be counted for purposes of determining a quorum.

(d) Regular Meeting Day for Subcommittees. There is no regular meeting day for subcommittees.

8. PROCEDURES FOR TAKING TESTIMONY OR RECEIVING EVIDENCE

(a) Notice. Adequate notice shall be given to all witnesses appearing before the Committee.

(b) Oath or Affirmation. The Chair may require testimony of witnesses to be given under oath or affirmation.

(c) Administration of Oath or Affirmation. Upon the determination that a witness shall testify under oath or affirmation, any member of the Committee designated by the Chair may administer the oath or affirmation.

(d) Questioning of Witnesses.

(1) Generally. Questioning of witnesses before the Committee shall be conducted by members of the Committee.

(2) Exceptions.

(A) The Chair, in consultation with the Ranking Minority Member, may determine that Committee Staff will be authorized to question witnesses at a hearing in accordance with clause 2(j) of House Rule XI.

(B) The Chair and Ranking Minority Member are each authorized to designate Committee Staff to conduct such questioning.

(e) Counsel for the Witness.

(1) Generally. Witnesses before the Committee may be accompanied by counsel, subject to the requirements of paragraph (2).

(2) Counsel Clearances Required. In the event that a meeting of the Committee has been closed because the subject to be discussed deals with classified information, counsel accompanying a witness before the Committee must possess the requisite security clearance and provide proof of such clearance to the Committee at least 24 hours prior to the meeting at which the counsel intends to be present.

(3) Failure to Obtain Counsel. Any witness who is unable to obtain counsel should notify the Committee. If such notification occurs at least 24 hours prior to the witness' appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain counsel, however, will not excuse the witness from appearing and testifying.

(4) Conduct of Counsel for Witnesses. Counsel for witnesses appearing before the Committee shall conduct themselves ethically

and professionally at all times in their dealings with the Committee.

(A) A majority of members of the Committee may, should circumstances warrant, find that counsel for a witness before the Committee failed to conduct himself or herself in an ethical or professional manner.

(B) Upon such finding, counsel may be subject to appropriate disciplinary action.

(5) Temporary Removal of Counsel. The Chair may remove counsel during any proceeding before the Committee for failure to act in an ethical and professional manner.

(6) Committee Reversal. A majority of the members of the Committee may vote to overturn the decision of the Chair to remove counsel for a witness.

(7) Role of Counsel for Witness.

(A) Counsel for a witness:

(i) Shall not be allowed to examine witnesses before the Committee, either directly or through cross-examination; but

(ii) May submit questions in writing to the Committee that counsel wishes propounded to a witness; or

(iii) May suggest, in writing to the Committee, the presentation of other evidence or the calling of other witnesses.

(B) The Committee may make such use of any such questions, or suggestions, as the Committee deems appropriate.

(f) Statements by Witnesses.

(1) Generally. A witness may make a statement, which shall be brief and relevant, at the beginning and at the conclusion of the witness' testimony.

(2) Length. Each such statement shall not exceed five minutes in length, unless otherwise determined by the Chair.

(3) Submission to the Committee. Any witness desiring to submit a written statement for the record of the proceeding shall submit a copy of the statement to the Chief Clerk of the Committee.

(A) Such statements shall ordinarily be submitted no less than 48 hours in advance of the witness' appearance before the Committee and shall be submitted in written and electronic format.

(B) In the event that the hearing was called with less than 24 hours notice, written statements should be submitted as soon as practicable prior to the hearing.

(g) Objections and Ruling.

(1) Generally. Any objection raised by a witness, or counsel for the witness, shall be ruled upon by the Chair, and such ruling shall be the ruling of the Committee.

(2) Committee Action. A ruling by the Chair may be overturned upon a majority vote of the Committee.

(h) Transcripts.

(1) Transcript Required. A transcript shall be made of the testimony of each witness appearing before the Committee during any hearing of the Committee.

(2) Opportunity to Inspect. Any witness testifying before the Committee shall be given a reasonable opportunity to inspect the transcript of the hearing, and may be accompanied by counsel to determine whether such testimony was correctly transcribed. Such counsel:

(A) May review the transcript only if he or she has the appropriate security clearances necessary to review any classified aspect of the transcript; and

(B) Should, to the extent possible, be the same counsel that was present for such classified testimony.

(3) Corrections.

(A) Pursuant to Rule XI of the House Rules, any corrections the witness desires to make in a transcript shall be limited to technical, grammatical, and typographical corrections.

(B) Corrections may not be made to change the substance of the Testimony.

(C) Such corrections shall be submitted in writing to the Committee within 7 days after the transcript is made available to the witnesses.

(D) Any questions arising with respect to such corrections shall be decided by the Chair.

(4) Copy for the Witness. At the request of the witness, any portion of the witness' testimony given in executive session shall be made available to that witness if that testimony is: subsequently quoted or intended to be made part of a public record. Such testimony shall be made available to the witness at the witness' expense.

(i) Requests to Testify.

(1) Generally. The Committee will consider requests to testify on any matter or measure pending before the Committee.

(2) Recommendations for Additional Evidence. Any person who believes that testimony, other evidence, or commentary, presented at a public hearing may tend to affect adversely that person's reputation may submit to the Committee, in writing:

(A) A request to appear personally before the Committee;

(B) A sworn statement of facts relevant to the testimony, evidence, or commentary; or

(C) Proposed questions for the cross-examination of other witnesses.

(3) Committee Discretion. The Committee may take those actions it deems appropriate with respect to such requests.

(j) Contempt Procedures. Citations for contempt of Congress shall be forwarded to the House only if:

(1) Reasonable notice is provided to all members of the Committee of a meeting to be held to consider any such contempt recommendations;

(2) The Committee has met and considered the contempt allegations;

(3) The subject of the allegations was afforded an opportunity to state either in writing or in person, why he or she should not be held in contempt; and

(4) The Committee agreed by majority vote to forward the citation recommendations to the House.

(k) Release of Name of Witness.

(1) Generally. At the request of a witness scheduled to be heard by the Committee, the name of that witness shall not be released publicly prior to, or after, the witness' appearance before the Committee.

(2) Exceptions. Notwithstanding paragraph (1), the Chair may authorize the release to the public of the name of any witness scheduled to appear before the Committee.

9. INVESTIGATIONS

(a) Commencing Investigations. The Committee shall conduct investigations only if approved by the Chair, in consultation with the Ranking Minority Member.

(b) Conducting Investigations. An authorized investigation may be conducted by members of the Committee or Committee Staff designated by the Chair, in consultation with the Ranking Minority Member, to undertake any such investigation.

10. SUBPOENAS

(a) Generally. All subpoenas shall be authorized by the Chair of the full Committee, upon consultation with the Ranking Minority Member, or by vote of the Committee.

(b) Subpoena Contents. Any subpoena authorized by the Chair of the full Committee, or the Committee, may compel:

(1) The attendance of witnesses and testimony before the Committee; or

(2) The production of memoranda, documents, records, or any other tangible item.

(c) Signing of Subpoena. A subpoena authorized by the Chair of the full Committee, or the Committee, may be signed by the Chair, or by any member of the Committee designated to do so by the Committee.

(d) Subpoena Service. A subpoena authorized by the Chair of the full Committee, or the Committee, may be served by any person designated to do so by the Chair.

(e) Other Requirements. Each subpoena shall have attached thereto a copy of these rules.

11. COMMITTEE STAFF

(a) Definition. For the purpose of these rules, "Committee Staff" or "Staff of the Committee" means:

(1) Employees of the Committee;

(2) Consultants to the Committee;

(3) Employees of other Government agencies detailed to the Committee; or

(4) Any other person engaged by contract, or otherwise, to perform services for, or at the request of, the Committee.

(b) Appointment of Committee Staff and Security Requirements.

(1) Chair's Authority. Except as provided in paragraph (2), the Committee Staff shall be appointed, and may be removed, by the Chair and shall work under the general supervision and direction of the Chair.

(2) Staff Assistance to Minority Membership. Except as provided in paragraphs (3) and (4), and except as otherwise provided by Committee Rules, the Committee Staff provided to the Minority Party members of the Committee shall be appointed, and may be removed, by the Ranking Minority Member of the Committee, and shall work under the general supervision and direction of such member.

(3) Security Clearance Required. All offers of employment for prospective Committee Staff positions shall be contingent upon:

(A) The results of a background investigation; and

(B) A determination by the Chair that requirements for the appropriate security clearances have been met.

(4) Security Requirements. Notwithstanding paragraph (2), the Chair shall supervise and direct the Committee Staff with respect to the security and nondisclosure of classified information. Committee Staff shall comply with requirements necessary to ensure the security and nondisclosure of classified information as determined by the Chair in consultation with the Ranking Minority Member.

12. LIMIT ON DISCUSSION OF CLASSIFIED WORK OF THE COMMITTEE

(a) Prohibition.

(1) Generally. Except as otherwise provided by these rules and the Rules of the House of Representatives, members of the Committee and Committee Staff shall not at any time, either during that person's tenure as a member of the Committee or as Committee Staff, or anytime thereafter, discuss or disclose, or cause to be discussed or disclosed:

(A) The classified substance of the work of the Committee;

(B) Any information received by the Committee in executive session;

(C) Any classified information received by the Committee from any source; or

(D) The substance of any hearing that was closed to the public pursuant to these rules or the Rules of the House.

(2) Non-Disclosure in Proceedings.

(A) Members of the Committee and the Committee Staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee Staff in connection with any proceeding, judicial or otherwise, either during the person's tenure as a member of the Committee, or of the Committee Staff, or at any time thereafter, except as directed by the Committee in accordance with the Rules of the House and these rules.

(B) In the event of the termination of the Committee, members and Committee Staff

shall be governed in these matters in a manner determined by the House concerning discussions of the classified work of the Committee.

(3) Exceptions.

(A) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose those matters described in subsection (a)(1) with:

(i) Members and staff of the Senate Select Committee on Intelligence designated by the chair of that committee;

(ii) The chairmen and ranking minority members of the House and Senate Committees on Appropriations and staff of those committees designated by the chairmen of those committees; and,

(iii) The chair and ranking minority member of the Subcommittee on Defense of the House Committee on Appropriations and staff of that subcommittee as designated by the chair of that subcommittee, or Members of that subcommittee designated by the Chair pursuant to clause (g)(1) of Committee Rule 12.

(B) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss and disclose only that budget-related information necessary to facilitate the enactment of the annual defense authorization bill with the chairmen and ranking minority members of the House and Senate Committees on Armed Services and the staff of those committees as designated by the chairmen of those committees.

(C) Notwithstanding the provisions of subsection (a)(1), members of the Committee and the Committee Staff may discuss with and disclose to the chair and ranking minority member of a subcommittee of the House Appropriations Committee with jurisdiction over an agency or program within the National Intelligence Program (NIP), and staff of that subcommittee as designated by the chair of that subcommittee, only that budget-related information necessary to facilitate the enactment of an appropriations bill within which is included an appropriation for an agency or program within the NIP.

(D) The Chair may, in consultation with the Ranking Minority Member, upon the written request to the Chair from the Inspector General of an element of the Intelligence Community, grant access to Committee transcripts or documents that are relevant to an investigation of an allegation of possible false testimony or other inappropriate conduct before the Committee, or that are otherwise relevant to the Inspector General's investigation.

(E) Upon the written request of the head of an Intelligence Community element, the Chair may, in consultation with the Ranking Minority Member, make available Committee briefing or hearing transcripts to that element for review by that element if a representative of that element testified, presented information to the Committee, or was present at the briefing or hearing the transcript of which is requested for review.

(F) Members and Committee Staff may discuss and disclose such matters as otherwise directed by the Committee.

(4) Records of Closed Proceedings. Any records or notes taken by any person memorializing material otherwise prohibited from disclosure by members of the Committee and Committee staff under these rules, including information received in executive session and the substance of any hearing or briefing that was closed to the public, shall remain Committee material subject to these rules and may not be publicly discussed, disclosed, or caused to be publicly discussed or disclosed, unless authorized by the Committee consistent with these rules.

(b) Non-Disclosure Agreement.

(1) Generally. All Committee Staff must, before joining the Committee Staff, agree in writing, as a condition of employment, not to divulge or cause to be divulged any classified information which comes into such person's possession while a member of the Committee Staff, to any person not a member of the Committee or the Committee Staff, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(2) Other Requirements. In the event of the termination of the Committee, members and Committee Staff must follow any determination by the House of Representatives with respect to the protection of classified information received while a member of the Committee or as Committee Staff.

(3) Requests for Testimony of Staff.

(A) All Committee Staff must, as a condition of employment, agree in writing to notify the Committee immediately of any request for testimony received while a member of the Committee Staff, or at any time thereafter, concerning any classified information received by such person while a member of the Committee Staff.

(B) Committee Staff shall not disclose, in response to any such request for testimony, any such classified information, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(C) In the event of the termination of the Committee, Committee Staff will be subject to any determination made by the House of Representatives with respect to any requests for testimony involving classified information received while a member of the Committee Staff.

13. CLASSIFIED MATERIAL

(a) Receipt of Classified Information.

(1) Generally. In the case of any information that has been classified under established security procedures and submitted to the Committee by any source, the Committee shall receive such classified information as executive session material.

(2) Staff Receipt of Classified Materials. For purposes of receiving classified information, the Committee Staff is authorized to accept information on behalf of the Committee.

(b) Non-Disclosure of Classified Information. Any classified information received by the Committee, from any source, shall not be disclosed to any person not a member of the Committee or the Committee Staff, or otherwise released, except as authorized by the Committee in accordance with the Rules of the House and these rules.

(c) Exception for Non-Exclusive Materials.

(1) Non-Exclusive Materials. Any materials provided to the Committee by the executive branch, if provided in whole or in part for the purpose of review by members who are not members of the Committee, shall be received or held by the Committee on a non-exclusive basis. Classified information provided to the Committee shall be considered to have been provided on an exclusive basis unless the executive branch provides a specific, written statement to the contrary.

(2) Access for Non-Committee Members. In the case of materials received on a non-exclusive basis, the Chair, in consultation with the Ranking Minority Member, may grant non-Committee members access to such materials in accordance with the requirements of Rule 14(0)(4), notwithstanding paragraphs (1), (2), and (3) of Rule 14.

14. PROCEDURES RELATED TO HANDLING OF CLASSIFIED INFORMATION

(a) Security Measures.

(1) Strict Security. The Committee's offices shall operate under strict security procedures administered by the Director of Se-

curity and Registry of the Committee under the direct supervision of the Staff Director.

(2) U.S. Capitol Police Presence Required. At least one U.S. Capitol Police officer shall be on duty at all times outside the entrance to Committee offices to control entry of all persons to such offices.

(3) Identification Required. Before entering the Committee's offices all persons shall identify themselves to the U.S. Capitol Police officer described in paragraph (2) and to a member of the Committee or Committee Staff.

(4) Maintenance of Classified Materials. Classified documents shall be segregated and maintained in approved security storage locations.

(5) Examination of Classified Materials. Classified documents in the Committee's possession shall be examined in an appropriately secure manner.

(6) Prohibition on Removal of Classified Materials. Removal of any classified document from the Committee's offices is strictly prohibited, except as provided by these rules.

(7) Exception. Notwithstanding the prohibition set forth in paragraph (6), a classified document, or copy thereof, may be removed from the Committee's offices in furtherance of official Committee business. Appropriate security procedures shall govern the handling of any classified documents removed from the Committee's offices.

(b) Access to Classified Information by Members. All members of the Committee shall at all times have access to all classified papers and other material received by the Committee from any source.

(c) Need-to-know.

(1) Generally. Committee Staff shall have access to any classified information provided to the Committee on a strict "need-to-know" basis, as determined by the Committee, and under the Committee's direction by the Staff Director.

(2) Appropriate Clearances Required. Committee Staff must have the appropriate clearances prior to any access to compartmented information.

(d) Oath.

(1) Requirement. Before any member of the Committee, or the Committee Staff, shall have access to classified information, the following oath shall be executed:

"I do solemnly swear (or affirm) that I will not disclose or cause to be disclosed any classified information received in the course of my service on the House Permanent Select Committee on Intelligence, except when authorized to do so by the Committee or the House of Representatives."

(2) Copy. A copy of such executed oath shall be retained in the files of the Committee.

(e) Registry.

(1) Generally. The Committee shall maintain a registry that:

(A) Provides a brief description of the content of all classified documents provided to the Committee by the executive branch that remain in the possession of the Committee; and

(B) Lists by number all such documents.

(2) Designation by the Staff Director. The Staff Director shall designate a member of the Committee Staff to be responsible for the organization and daily maintenance of such registry.

(3) Availability. Such registry shall be available to all members of the Committee and Committee Staff.

(f) Requests by Members of Other Committees. Pursuant to the Rules of the House, members who are not members of the Committee may be granted access to such classified transcripts, records, data, charts, or files of the Committee, and be admitted on a

non-participatory basis to classified hearings of the Committee involving discussions of classified material in the following manner:

(1) **Written Notification Required.** Members who desire to examine classified materials in the possession of the Committee, or to attend Committee hearings or briefings on a non-participatory basis, must notify the Chief Clerk of the Committee in writing. Such notification shall state with specificity the justification for the request and the need for access.

(2) **Committee Consideration.** The Committee shall consider each such request by non-Committee members at the earliest practicable opportunity. The Committee shall determine, by record vote, what action it deems appropriate in light of all of the circumstances of each request. In its determination, the Committee shall consider:

(A) The sensitivity to the national defense or the confidential conduct of the foreign relations of the United States of the information sought;

(B) The likelihood of its being directly or indirectly disclosed;

(C) The jurisdictional interest of the member making the request; and

(D) Such other concerns, constitutional or otherwise, as may affect the public interest of the United States.

(3) **Committee Action.** After consideration of the member's request, the Committee may take any action it deems appropriate under the circumstances, including but not limited to:

(A) Approving the request, in whole or part;

(B) Denying the request;

(C) Providing the requested information or material in a different form than that sought by the member; or

(D) Making the requested information or material available to all members of the House.

(4) **Requirements for Access by Non-Committee Members.** Prior to a non-Committee member being given access to classified information pursuant to this subsection, the requesting member shall:

(A) Provide the Committee a copy of the oath executed by such member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the member, pursuant to this subsection, to any person not a member of the Committee or the Committee Staff, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(5) **Consultation Authorized.** When considering a member's request, the Committee may consult the Director of National Intelligence and such other officials it considers necessary.

(6) **Finality of Committee Decision.**

(A) Should the member making such a request disagree with the Committee's determination with respect to that request, or any part thereof, that member must notify the Committee in writing of such disagreement.

(B) The Committee shall subsequently consider the matter and decide, by record vote, what further action or recommendation, if any, the Committee will take.

(g) **Admission of Designated Members of the Subcommittee on Defense of the Committee on Appropriations.** Notwithstanding the provisions of subsection (f), the Chair may admit no more than three designated Members of the Subcommittee on Defense of the Committee on Appropriations to classified hearings and briefings of the Committee involving discussions of classified material. Such Members may also be granted access to classified transcripts, records, data, charts or files of the Committee incident to such attendance.

(1) **Designation.** The Chair may designate three Members of the Subcommittee to be eligible for admission in consultation with the Ranking Minority Member, of whom not more than two may be from the same political party. Such designation shall be effective for the entire Congress.

(2) **Admission.** The Chair may determine whether to admit designated Members at each hearing or briefing of the Committee involving discussions of classified material. If the Chair admits any of the designated Members to a particular hearing or briefing, all three of the designated Members shall be admitted to that hearing or briefing. Designated Members shall not be counted for quorum purposes and shall not have a vote in any meeting.

(3) **Requirements for Access.** Prior to being given access to classified information pursuant to this subsection, a designated Member shall:

(A) Provide the Committee a copy of the oath executed by such Member pursuant to House Rule XXIII, clause 13; and

(B) Agree in writing not to divulge any classified information provided to the Member pursuant to this subsection to any person not a Member of the Committee or a designated Member or authorized Staff of the Subcommittee on Defense of the Committee on Appropriations, except as otherwise authorized by the Committee in accordance with the Rules of the House and these rules.

(h) **Advising the House or Other Committees.** Pursuant to Section 501 of the National Security Act of 1947 (50 U.S.C. 413), and to the Rules of the House, the Committee shall call to the attention of the House, or to any other appropriate committee of the House, those matters requiring the attention of the House, or such other committee, on the basis of the following provisions:

(1) **By Request of Committee Member.** At the request of any member of the Committee to call to the attention of the House, or any other committee, executive session material in the Committee's possession, the Committee shall meet at the earliest practicable opportunity to consider that request.

(2) **Committee Consideration of Request.** The Committee shall consider the following factors, among any others it deems appropriate:

(A) The effect of the matter in question on the national defense or the foreign relations of the United States;

(B) Whether the matter in question involves sensitive intelligence sources and methods;

(C) Whether the matter in question otherwise raises questions affecting the national interest; and

(D) Whether the matter in question affects matters within the jurisdiction of another Committee of the House.

(3) **Views of Other Committees.** In examining such factors, the Committee may seek the opinion of members of the Committee appointed from standing committees of the House with jurisdiction over the matter in question, or submissions from such other committees.

(4) **Other Advice.** The Committee may, during its deliberations on such requests, seek the advice of any executive branch official.

(i) **Reasonable Opportunity to Examine Materials.** Before the Committee makes any decision regarding any request for access to any classified information in its possession, or a proposal to bring any matter to the attention of the House or another committee, members of the Committee shall have a reasonable opportunity to examine all pertinent testimony, documents, or other materials in the Committee's possession that may inform their decision on the question.

(j) **Notification to the House.** The Committee may bring a matter to the attention

of the House when, after consideration of the factors set forth in this rule, it considers the matter in question so grave that it requires the attention of all members of the House, and time is of the essence, or for any reason the Committee finds compelling.

(k) **Method of Disclosure to the House.**

(1) Should the Committee decide by record vote that a matter requires the attention of the House as described in subsection (i), it shall make arrangements to notify the House promptly.

(2) In such cases, the Committee shall consider whether:

(A) To request an immediate secret session of the House (with time equally divided between the Majority and the Minority); or

(B) To publicly disclose the matter in question pursuant to clause 11(g) of House Rule X.

(l) **Requirement to Protect Sources and Methods.** In bringing a matter to the attention of the House, or another committee, the Committee, with due regard for the protection of intelligence sources and methods, shall take all necessary steps to safeguard materials or information relating to the matter in question.

(m) **Availability of Information to Other Committees.** The Committee, having determined that a matter shall be brought to the attention of another committee, shall ensure that such matter, including all classified information related to that matter, is promptly made available to the chair and ranking minority member of such other committee.

(n) **Provision of Materials.** The Director of Security and Registry for the Committee shall provide a copy of these rules, and the applicable portions of the Rules of the House of Representatives governing the handling of classified information, along with those materials determined by the Committee to be made available to such other committee of the House or non-Committee member.

(o) **Ensuring Clearances and Secure Storage.** The Director of Security and Registry shall ensure that such other committee or non-Committee member receiving such classified materials may properly store classified materials in a manner consistent with all governing rules, regulations, policies, procedures, and statutes.

(p) **Log.** The Director of Security and Registry for the Committee shall maintain a written record identifying the particular classified document or material provided to such other committee or non-Committee member, the reasons agreed upon by the Committee for approving such transmission, and the name of the committee or non-Committee member receiving such document or material.

(q) **Miscellaneous Requirements.**

(1) **Staff Director's Additional Authority.** The Staff Director is further empowered to provide for such additional measures, which he or she deems necessary, to protect such classified information authorized by the Committee to be provided to such other committee or non-Committee member.

(2) **Notice to Originating Agency.** In the event that the Committee authorizes the disclosure of classified information provided to the Committee by an agency of the executive branch to a non-Committee member or to another committee, the Chair may notify the providing agency of the Committee's action prior to the transmission of such classified information.

15. LEGISLATIVE CALENDAR

(a) Generally. The Chief Clerk, under the direction of the Staff Director, shall maintain a printed calendar that lists:

(1) The legislative measures introduced and referred to the Committee;

(2) The status of such measures; and

(3) Such other matters that the Committee may require.

(b) Revisions to the Calendar. The calendar shall be revised from time to time to show pertinent changes.

(c) Availability. A copy of each such revision shall be furnished to each member, upon request.

(d) Consultation with Appropriate Government Entities. Unless otherwise directed by the Committee, legislative measures referred to the Committee may be referred by the Chief Clerk to the appropriate department or agency of the Government for reports thereon.

16. COMMITTEE WEBSITE

The Chair shall maintain an official Committee web site for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee members and other members of the House.

17. MOTIONS TO GO TO CONFERENCE

In accordance with clause 2(a) of House Rule XI, the Chair is authorized and directed to offer a privileged motion to go to conference under clause 1 of House Rule XXII whenever the Chair considers it appropriate.

18. COMMITTEE TRAVEL

(a) Authority. The Chair may authorize members and Committee Staff to travel on Committee business.

(b) Requests.

(1) Member Requests. Members requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request directly to the Chair.

(2) Committee Staff Requests. Committee Staff requesting authorization for such travel shall state the purpose and length of the trip, and shall submit such request through their supervisors to the Staff Director and the Chair.

(c) Notification to Members.

(1) Generally. Members shall be notified of all foreign travel of Committee Staff not accompanying a member.

(2) Content. All members are to be advised, prior to the commencement of such travel, of its length, nature, and purpose.

(d) Trip Reports.

(1) Generally. A full report of all issues discussed during any travel shall be submitted to the Chief Clerk of the Committee within a reasonable period of time following the completion of such trip.

(2) Availability of Reports. Such report shall be:

(A) Available for review by any member or appropriately cleared Committee Staff; and

(B) Considered executive session material for purposes of these rules.

(e) Limitations on Travel.

(1) Generally. The Chair is not authorized to permit travel on Committee business of Committee Staff who have not satisfied the requirements of subsection (d) of this rule.

(2) Exception. The Chair may authorize Committee Staff to travel on Committee business, notwithstanding the requirements of subsections (d) and (e) of this rule.

(A) At the specific request of a member of the Committee; or

(B) In the event there are circumstances beyond the control of the Committee Staff hindering compliance with such requirements.

(f) Definitions. For purposes of this rule the term "reasonable period of time" means:

(1) No later than 60 days after returning from a foreign trip; and

(2) No later than 30 days after returning from a domestic trip.

19. DISCIPLINARY ACTIONS

(a) Generally. The Committee shall immediately consider whether disciplinary action

shall be taken in the case of any member of the Committee Staff alleged to have failed to conform to any rule of the House of Representatives or to these rules.

(b) Exception. In the event the House of Representatives is:

(1) In a recess period in excess of 3 days; or

(2) Has adjourned sine die; the Chair of the full Committee, in consultation with the Ranking Minority Member, may take such immediate disciplinary actions deemed necessary.

(c) Available Actions. Such disciplinary action may include immediate dismissal from the Committee Staff.

(d) Notice to Members. All members shall be notified as soon as practicable, either by facsimile transmission or regular mail, of any disciplinary action taken by the Chair pursuant to subsection (b).

(e) Reconsideration of Chair's Actions. A majority of the members of the full Committee may vote to overturn the decision of the Chair to take disciplinary action pursuant to subsection (b).

20. BROADCASTING COMMITTEE MEETINGS

Whenever any hearing or meeting conducted by the Committee is open to the public, a majority of the Committee may permit that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, subject to the provisions and in accordance with the spirit of the purposes enumerated in the Rules of the House.

21. COMMITTEE RECORDS TRANSFERRED TO THE NATIONAL ARCHIVES

(a) Generally. The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with the Rules of the House of Representatives.

(b) Notice of Withholding. The Chair shall notify the Ranking Minority Member of any decision, pursuant to the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the full Committee for a determination of the question of public availability on the written request of any member of the Committee.

22. CHANGES IN RULES

(a) Generally. These rules may be modified, amended, or repealed by vote of the full Committee.

(b) Notice of Proposed Changes. A notice, in writing, of the proposed change shall be given to each member at least 48 hours prior to any meeting at which action on the proposed rule change is to be taken.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 6. Concurrent resolution commending the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary, to the Committee on the Judiciary.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes a.m.), the House adjourned until today, Friday, February 18, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

538. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's "Major" final rule — Subpart A — Repowering Assistance Payments to Eligible Biorefineries (RIN: 0570-AA74) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

539. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazifop-P-butyl; Pesticide Tolerances [EPA-HQ-OPP-2009-0980; FRL-8861-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

540. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentazone; Pesticide Tolerances [EPA-HQ-OPP-2008-0125; FRL-8860-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

541. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2010-0596; FRL-9249-2] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

542. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; The Milwaukee-Racine and Sheboygan Areas; Determination of Attainment of the 1997 8-hour Ozone Standard; Withdrawal of Direct Final Rule [EPA-R05-OAR-2010-0850; FRL-9258-7] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

543. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Identifying and Listing Hazardous Waste Exclusion [EPA-R05-RCRA-2010-0843; SW-FRL-9259-1] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

544. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Approval of Section 110(a)(1) Maintenance Plan for the 1997 8-Hour Ozone Standards for the Nashville, Tennessee Area [EPA-R04-OAR-2010-0663-201061; FRL-9259-2] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

545. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Removal of Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Alabama [EPA-R04-OAR-2010-0697-201102; FRL-9259-8] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

546. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's

final rule — Removal of Limitation of Approval of Prevention of Significant Deterioration Provision Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Mississippi [EPA-R04-OAR-2010-0811-201101; FRL-9259-7] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

547. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Santa Barbara Air Pollution Control District, Antelope Valley Air Quality Management District, Ventura County Air Pollution Control District and Placer County Air Pollution Control District [EPA-R09-OAR-2010-0860; FRL-9249-5] received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

548. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Testing of Certain High Production Volume Chemicals; Second Group of Chemicals; Technical Correction [EPA-HQ-OPPT-2007-0531; FRL-8862-6] (RIN: 2070-AD16) received January 25, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

549. A letter from the Attorney Advisor, Policy Division, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Wireless E911 Location Accuracy Requirements [PS Docket No.: 07-114] received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

550. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — New Agency Logos [NARA-10-0006] (RIN: 3095-AB70) received January 24, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

551. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Richardson Ash Scattering by Fireworks, San Francisco, CA [Docket No.: USCG-2010-0902] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

552. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA [Docket No.: USCG-2008-0747] (RIN: 1625-AA11) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

553. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Protection for Whistleblowers in the Coast Guard [USCG-2009-0239] (RIN: 1625-AB33) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

554. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area, Chicago Sanitary and Ship Canal, Romeoville, IL; Safety Zone, Chicago Sanitary and Ship Canal, Romeoville, IL [Docket No.: USCG-2010-1054] (RIN: 1625-AA11, 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

555. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Temporary Security Zones; San Francisco Bay, Delta Ports, Monterey Bay and Humboldt Bay, CA [Docket No.: USCG-2010-0721] (RIN: 1625-AA87) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

556. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sacramento New Year's Eve, Fireworks Display, Sacramento, CA [Docket No.: USCG-2010-1079] (RIN: 1625-AA00) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

557. A letter from the Attorney Advisor, Office of Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulations; Long Island Sound [Docket No.: USCG-2008-0171] (RIN: 1625-AA01) received February 4, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. NAPOLITANO (for herself, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mrs. CAPPS, Mr. CICILLINE, Mrs. CHRISTENSEN, Mr. ELLISON, Mr. CUELLAR, Ms. HIRONO, Mr. FRANK of Massachusetts, Mr. GONZÁLEZ, Mr. AL GREEN of Texas, Mr. GRJALVA, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HONDA, Mr. HOLT, Mr. POLIS, Ms. JACKSON LEE of Texas, Mr. JACKSON of Illinois, Mr. CONYERS, Mr. KILDEE, Mr. JOHNSON of Georgia, Ms. LEE of California, Ms. MATSUI, Ms. NORTON, Mr. PASTOR of Arizona, Mr. LUJÁN, Mr. SERRANO, Mr. RANGEL, Mr. REYES, Ms. ROYBAL-ALLARD, Mr. RAHALL, Mr. SIREs, Ms. WATERS, Ms. LINDA T. SÁNCHEZ of California, Mr. THOMPSON of California, Mr. STARK, Mr. TONKO, Mr. HINOJOSA, and Ms. SLAUGHTER):

H.R. 751. A bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs; to the Committee on Energy and Commerce.

By Mr. SCHRADER (for himself, Mr. DEFAZIO, Mr. BLUMENAUER, and Mr. WU):

H.R. 752. A bill to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in the State of Oregon, as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Natural Resources.

By Mr. LATHAM:

H.R. 753. A bill to direct the Secretary of Agriculture to convey certain Federally owned land located in Story County, Iowa; to the Committee on Agriculture.

By Mr. ROGERS of Michigan:

H.R. 754. A bill to authorize appropriations for fiscal year 2011 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. STARK (for himself, Mr. JACKSON of Illinois, Ms. LEE of California, and Mr. FILNER):

H.R. 755. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on

currency transactions; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO:

H.R. 756. A bill to direct the Secretary of Transportation to prescribe standards for the maximum number of hours that an operator of a commercial motor vehicle may be reasonably detained by a shipper or receiver, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GARRETT (for himself, Mr. KING of New York, and Ms. ROS-LEHTINEN):

H.R. 757. A bill to amend the Securities Investor Protection Act of 1970 to confirm that a customer's net equity claim is based on the customer's last statement and that certain recoveries are prohibited, to change how trustees are appointed, and for other purposes; to the Committee on Financial Services.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, Mr. MCKEON, Mr. BISHOP of Utah, Mr. COFFMAN of Colorado, Mr. MCCLINTOCK, Mr. LAMBORN, Mr. CAMPBELL, Mr. GALLEGLY, Mr. REHBERG, Mrs. MCMORRIS RODGERS, Mr. COLE, Mr. BROUN of Georgia, Mr. CHAFFETZ, Mr. WALDEN, Mr. HUNTER, Mr. TIPTON, Mr. CALVERT, Mr. HERGER, Mr. LABRADOR, and Mr. SAM JOHNSON of Texas):

H.R. 758. A bill to amend the Act popularly known as the Antiquities Act of 1906 to require certain procedures for designating national monuments, and for other purposes; to the Committee on Natural Resources.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, Mr. KLINE, Mr. MCKEON, Mrs. MCMORRIS RODGERS, Mr. HUNTER, Mr. CHAFFETZ, Mr. GALLEGLY, Mr. BURTON of Indiana, Mr. WALDEN, Mr. HERGER, Mr. LAMBORN, Mr. CRAVAACK, and Mr. CANSECO):

H.R. 759. A bill to require the Director of National Drug Control Policy to develop a Federal Lands Counterdrug Strategy, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES:

H.R. 760. A bill to authorize the Secretary of Agriculture to designate certain parts of California's San Joaquin Valley as a rural area for purposes of programs under the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. NUNES (for himself, Mr. MCCARTHY of California, and Mr. DENHAM):

H.R. 761. A bill to allow certain Federal funding provided to the State of California to be used for a project or activity to improve or maintain California State Route 99, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WATERS (for herself, Mr. FRANK of Massachusetts, and Ms. VELÁZQUEZ):

H.R. 762. A bill to transform neighborhoods of extreme poverty by revitalizing distressed housing, to reform public housing demolition and disposition rules to require one for one replacement and tenant protections, to provide public housing agencies with additional resources and flexibility to preserve public housing units, and to create a pilot program

to train public housing residents to provide home-based health services; to the Committee on Financial Services.

By Mr. MICHAUD (for himself and Mrs. SCHMIDT):

H.R. 763. A bill to amend title 23, United States Code, with respect to vehicle weight limitations applicable to the Interstate System, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ALEXANDER:

H.R. 764. A bill to ensure fair treatment of existing levees and flood control structures under the national flood insurance program; to the Committee on Financial Services.

By Mr. BISHOP of Utah (for himself and Ms. DEGETTE):

H.R. 765. A bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONNER:

H.R. 766. A bill to extend Federal recognition to the Mowa Band of Choctaw Indians of Alabama, and for other purposes; to the Committee on Natural Resources.

By Mr. DEFAZIO:

H.R. 767. A bill to permit individuals to choose to opt out of the requirement to maintain health insurance minimum essential coverage if such individuals also opt out of specified insurance reform protections; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself and Mr. BOUSTANY):

H.R. 768. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names and images of members of the Armed Forces; to the Committee on Armed Services.

By Mr. COHEN (for himself, Ms. RICHARDSON, Mr. RANGEL, Mr. McDERMOTT, Ms. NORTON, and Ms. TSONGAS):

H.R. 769. A bill to amend the Fair Credit Reporting Act to require the inclusion of credit scores with free annual credit reports provided to consumers, and for other purposes; to the Committee on Financial Services.

By Mr. CUELLAR:

H.R. 770. A bill to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes; to the Committee on Homeland Security.

By Mr. CUELLAR:

H.R. 771. A bill to designate the facility of the United States Postal Service located at

1081 Elbel Road in Schertz, Texas, as the "Schertz Veterans Post Office"; to the Committee on Oversight and Government Reform.

By Ms. DELAURO (for herself, Mr. HINCHEY, Mr. COHEN, Mr. FILNER, Ms. NORTON, Mr. CONYERS, Ms. BROWN of Florida, Mr. JACKSON of Illinois, Mr. HONDA, and Ms. FUDGE):

H.R. 772. A bill to amend the Internal Revenue Code of 1986 to restore the credit lost by individuals resulting from the replacement of the Making Work Pay Credit with the employee payroll tax cut for 2011; to the Committee on Ways and Means.

By Mr. DEUTCH:

H.R. 773. A bill to establish a separate office within the Federal Trade Commission to prevent fraud targeting seniors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEUTCH:

H.R. 774. A bill to enhance penalties for violations of securities protections that involve targeting seniors; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN of Tennessee (for himself, Mr. BURTON of Indiana, and Mr. JONES):

H.R. 775. A bill to amend title 44, United States Code, to require any organization that is established for the purpose of raising funds for creating, maintaining, expanding, or conducting activities at a Presidential archival depository or any facilities relating to a Presidential archival depository to disclose the sources and amounts of any funds raised, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ENGEL:

H.R. 776. A bill to require the establishment of a Consumer Price Index for Elderly Consumers to compute cost-of-living increases for Social Security benefits under title II of the Social Security Act and to provide, in the case of elderly beneficiaries under such title, for an annual cost-of-living increase which is not less than 3 percent; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 777. A bill to amend the Internal Revenue Code of 1986 to reduce the rate of tax on distilled spirits produced by small producers; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. FATTAH, Ms. HIRONO, Mr. VAN HOLLEN, Mr. GRIJALVA, Mr. POLIS, Mr. REYES, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. LEWIS of Georgia, Mr. BISHOP of New York, Mr. ANDREWS, Mr. LUJÁN, Mrs. NAPOLITANO, Mr. SIREN, Mr. SCOTT of Virginia, Ms. RICHARDSON, Mrs. DAVIS of California, Mr. DAVIS of Illinois, Ms. BROWN of Florida, Mr. WU, Mr. MEEKS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. PAYNE, Ms. ROYBAL-ALLARD, Mr. LARSON of Connecticut, Mrs. MCCARTHY of New York, Mr. BACA, Mr. GONZÁLEZ, Ms. CHU, and Mr. GENE GREEN of Texas):

H.R. 778. A bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation

rates, and for other purposes; to the Committee on Education and the Workforce.

By Mr. KINZINGER of Illinois (for himself, Mr. SHIMKUS, Mr. DOLD, Mr. SCHOCK, Mr. HULTGREN, and Mr. JOHNSON of Illinois):

H.R. 779. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. PAUL, Mr. SERRANO, Mr. STARK, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. McDERMOTT, Ms. WOOLSEY, Mr. CAPUANO, Mr. CONYERS, Ms. SCHAKOWSKY, Mr. HONDA, Ms. SPEIER, Mr. WELCH, Mrs. MALONEY, Mr. GRIJALVA, Mr. KUCINICH, Mr. FILNER, Ms. ZOE LOFGREN of California, Ms. BASS of California, Mr. BLUMENAUER, Ms. CHU, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. CUMMINGS, Ms. DEGETTE, Ms. EDWARDS, Mr. ELLISON, Mr. FARR, Mr. FRANK of Massachusetts, Ms. FUDGE, Mr. GARAMENDI, Ms. HANABUSA, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. JONES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. GEORGE MILLER of California, Ms. MOORE, Mrs. NAPOLITANO, Mr. OLVER, Mr. PAYNE, Ms. PINGREE of Maine, Ms. LINDA T. SÁNCHEZ of California, and Ms. LORETTA SANCHEZ of California):

H.R. 780. A bill to provide that funds for operations of the Armed Forces in Afghanistan shall be obligated and expended only for purposes of providing for the safe and orderly withdrawal from Afghanistan of all members of the Armed Forces and Department of Defense contractor personnel who are in Afghanistan; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McCOTTER:

H.R. 781. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for hiring veterans; to the Committee on Ways and Means.

By Mr. McCOTTER (for himself, Mr. BISHOP of Utah, Mr. BROUN of Georgia, Mr. TIPTON, Mr. GUTHRIE, Mr. TIBERI, Mr. PAUL, Mr. FLAKE, Mr. MILLER of Florida, Mr. LONG, Mr. YOUNG of Alaska, Mr. KINZINGER of Illinois, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. FLEMING, Mr. GINGREY of Georgia, Mr. POSEY, Mr. PENCE, Mr. SULLIVAN, Mr. ROONEY, Mr. YODER, Mr. BILBRAY, and Mr. LAMBORN):

H.R. 782. A bill to enable States to opt out of certain provisions of the Patient Protection and Affordable Care Act; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MORAN:

H.R. 783. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the

Chickahominy Indian Tribe-Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Natural Resources.

By Mr. NADLER (for himself, Mr. MEEKS, and Mr. RANGEL):

H.R. 784. A bill to establish the African Burial Ground International Memorial Museum and Educational Center in New York, New York, and for other purposes; to the Committee on Natural Resources.

By Mr. PEARCE (for himself, Mr. HEINRICH, and Mr. LUJÁN):

H.R. 785. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Natural Resources.

By Mr. ROHRABACHER (for himself, Mr. JONES, Mr. MCCOTTER, and Mr. MCKINLEY):

H.R. 786. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income compensation received by employees consisting of qualified distributions of employer stock; to the Committee on Ways and Means.

By Mr. ROHRABACHER (for himself, Mr. BARTLETT, Mr. BILBRAY, Mrs. BLACKBURN, Mr. BOREN, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CHAFFETZ, Mr. COFFMAN of Colorado, Mr. CONAWAY, Mr. CULBERSON, Mr. DUNCAN of Tennessee, Mr. FORBES, Mr. GARRETT, Mr. HELLER, Mr. HUNTER, Ms. JENKINS, Mr. JONES, Mr. KINGSTON, Mr. LATTA, Mr. LAMBORN, Mr. MCHENRY, Mr. MCINTYRE, Mr. GARY G. MILLER of California, Mrs. MYRICK, Mr. POE of Texas, Mr. ROGERS of Kentucky, Mr. ROGERS of Michigan, Mr. ROYCE, Mrs. SCHMIDT, Mr. SESSIONS, Mr. SIMPSON, and Mr. SULLIVAN):

H.R. 787. A bill to amend title II of the Social Security Act to exclude from creditable wages and self-employment income wages earned for services by aliens illegally performed in the United States and self-employment income derived from a trade or business illegally conducted in the United States; to the Committee on Ways and Means.

By Mr. ROTHMAN of New Jersey:

H.R. 788. A bill to help keep students safe on school-run, overnight, off-premises field trips; to the Committee on Education and the Workforce.

By Mr. ROTHMAN of New Jersey:

H.R. 789. A bill to designate the facility of the United States Postal Service located at 20 Main Street in Little Ferry, New Jersey, as the "Sergeant Matthew J. Fenton Post Office"; to the Committee on Oversight and Government Reform.

By Mr. RYAN of Ohio (for himself, Mr. HIGGINS, Mr. CAPUANO, Mr. PRICE of North Carolina, Mr. KILDEE, Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. TURNER, and Ms. MOORE):

H.R. 790. A bill to authorize the Secretary of Housing and Urban Development to make grants and offer technical assistance to local governments and others to design and implement innovative policies, programs, and projects that address widespread property vacancy and abandonment, and for other purposes; to the Committee on Financial Services.

By Ms. LORETTA SANCHEZ of California (for herself, Ms. FOX, and Mrs. McMORRIS RODGERS):

H.R. 791. A bill to amend title 37, United States Code, to provide flexible spending ar-

rangements for members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. WEINER:

H.R. 792. A bill to clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. WOOLSEY (for herself, Mr. BACA, Ms. BASS of California, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mrs. CAPPS, Mr. CARDOZA, Ms. CHU, Mr. COSTA, Mrs. DAVIS of California, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Mr. GARAMENDI, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HUNTER, Mr. ISSA, Ms. LEE of California, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCCLINTOCK, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. PELOSI, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SPEIER, Mr. STARK, Mr. THOMPSON of California, Ms. WATERS, and Mr. WAXMAN):

H.R. 793. A bill to designate the facility of the United States Postal Service located at 12781 Sir Francis Drake Boulevard in Inverness, California, as the "Specialist Jake Robert Velloza Post Office"; to the Committee on Oversight and Government Reform.

By Mr. DEFAZIO:

H.J. Res. 41. A joint resolution proposing a balanced budget amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Mr. BACA, Ms. MATSUI, Ms. BORDALLO, Mr. THOMPSON of Mississippi, Mr. MEEKS, Mr. HASTINGS of Florida, Mr. ROSS of Arkansas, Mr. MCGOVERN, Mr. SCOTT of Virginia, Ms. BROWN of Florida, Ms. HIRONO, Ms. NORTON, Ms. JACKSON LEE of Texas, Mr. JOHNSON of Georgia, Mr. BISHOP of Georgia, Mr. CUMMINGS, Ms. SEWELL, Ms. LEE of California, Mr. FILNER, Ms. MOORE, Mr. SERRANO, Mr. RANGEL, Mrs. NAPOLITANO, Mr. HONDA, Mr. GONZÁLEZ, Mr. COHEN, Mr. LEWIS of Georgia, Mr. DAVID SCOTT of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mr. WATT, Ms. WILSON of Florida, Ms. LINDA T. SÁNCHEZ of California, Ms. FUDGE, Mr. RICHMOND, Mr. HOLT, Mr. CLAY, Ms. WOOLSEY, Ms. RICHARDSON, Mr. BRADY of Pennsylvania, Mr. VAN HOLLEN, Ms. WATERS, and Ms. CHU):

H. Con. Res. 19. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 102nd anniversary; to the Committee on the Judiciary.

By Mr. HALL (for himself and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Res. 97. A resolution providing amounts for the expenses of the Committee on Science, Space, and Technology in the One Hundred Twelfth Congress; to the Committee on House Administration.

By Mr. FINCHER (for himself, Mr. MCINTYRE, Mrs. BLACKBURN, and Mr. COBLE):

H. Res. 98. A resolution expressing the Sense of the House of Representatives that the Commissioner of the Food and Drug Ad-

ministration should give the greatest weight in making critical policy decisions to readily available hard science data, including evidence from the natural sciences, physical sciences, and computing sciences; to the Committee on Energy and Commerce.

By Ms. CHU (for herself, Ms. BORDALLO, Mr. AL GREEN of Texas, Ms. HANABUSA, Ms. HIRONO, Mr. HONDA, Ms. MATSUI, and Mr. WU):

H. Res. 99. A resolution recognizing the significance of the 65th anniversary of the signing of Executive Order 9066 by President Franklin D. Roosevelt and supporting the goals of the Japanese American, German American, and Italian American communities in recognizing a National Day of Remembrance to increase public awareness of the events surrounding the restriction, exclusion, and internment of individuals and families during World War II; to the Committee on the Judiciary.

By Mr. GUTIERREZ (for himself, Mr. CICILLINE, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. POLIS, and Mr. PAYNE):

H. Res. 100. A resolution honoring the life of David Kato and all who are victims of violence in Uganda because of their sexual orientation or gender identity; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Ms. BORDALLO, and Mr. POLIS):

H. Res. 101. A resolution expressing support for the Republic of India to gain a permanent seat on the United Nations Security Council; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Ms. BROWN of Florida, Ms. WASSERMAN SCHULTZ, Mr. DEUTCH, Ms. WILSON of Florida, Mr. DIAZ-BALART, Mr. BUCHANAN, Mr. ROSS of Florida, Mr. POSEY, and Mr. WEST):

H. Res. 102. A resolution commemorating the city of Fort Lauderdale, Florida, on its 100th anniversary; to the Committee on Oversight and Government Reform.

By Mr. SENSENBRENNER (for himself and Mr. MORAN):

H. Res. 103. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a bilateral free trade agreement with Turkey; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WAXMAN introduced a bill (H.R. 794) for the relief of Allan Bolor Kelley; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. NAPOLITANO:

H.R. 751.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8: The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

By Mr. SCHRADER:

H.R. 752.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8 and Article IV, Section 3 of the United States Constitution.

By Mr. LATHAM:

H.R. 753.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2 of the U.S. Constitution relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By Mr. ROGERS of Michigan:

H.R. 754.

Congress has the power to enact this legislation pursuant to the following:

The intelligence and intelligence-related activities of the United States government are carried out to support the national security interests of the United States, to support and assist the armed forces of the United States, and to support the President in the execution of the foreign policy of the United States.

Article I, section 8 of the Constitution of the United States provides, in pertinent part, that "Congress shall have power . . . to pay the debts and provide for the common defense and general welfare of the United States"; ". . . to raise and support armies . . ."; "To provide and maintain a Navy"; "To make Rules for the Government and Regulation of the land and naval Forces"; and "To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested in this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. STARK:

H.R. 755.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. DEFAZIO:

H.R. 756.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. GARRETT:

H.R. 757.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4: "To establish . . . uniform laws on the subject of bankruptcies throughout the United States."

By Mr. NUNES:

H.R. 758.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution of the United States.

By Mr. NUNES:

H.R. 759.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of Section 3 of Article IV of the Constitution of the United States.

By Mr. NUNES:

H.R. 760.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 and 18 of Section 8 of Article I of the Constitution of the United States.

By Mr. NUNES:

H.R. 761.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1 and 3 of Section 8 of Article I of the Constitution of the United States.

By Ms. WATERS:

H.R. 762.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States.

By Mr. MICHAUD:

H.R. 763.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution, specifically Clause 1, Clause 3 and Clause 18.

By Mr. ALEXANDER:

H.R. 764.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution.

By Mr. BISHOP of Utah:

H.R. 765.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. BONNER:

H.R. 766.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes, as enumerated in Article I, Section 8, Clause 3 of the United States Constitution.

This bill is also enacted pursuant to no State shall enter into any Treaty Alliance, or Confederation, as enumerated in Article 1, Section 10, Clause 1 of the United States Constitution.

By Mr. DEFAZIO:

H.R. 767.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, Clause 3, the Commerce Clause.

By Mr. BOREN:

H.R. 768.

Congress has the power to enact this legislation pursuant to the following:

(1) Clause 4 of Section 8 of Article I of the Constitution; (2) Clause 14 of Section 8 of Article I of the Constitution; and (3) Clause 18 of Section 8 of Article I of the Constitution.

By Mr. COHEN:

H.R. 769.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 (relating to the power to regulate foreign and interstate commerce) of the United States Constitution.

By Mr. CUELLAR:

H.R. 770.

Congress has the power to enact this legislation pursuant to the following:

The Constitution including Article I, Section 8.

By Mr. CUELLAR:

H.R. 771.

Congress has the power to enact this legislation pursuant to the following:

The U.S. Constitution, Article I, Section 8: Powers of Congress, Clause 18: The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Ms. DELAURO:

H.R. 772.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. DEUTCH:

H.R. 773.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. DEUTCH:

H.R. 774.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. DUNCAN of Tennessee:

H.R. 775.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2. The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

By Mr. ENGEL:

H.R. 776.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1.

By Mr. HINCHEY:

H.R. 777.

Congress has the power to enact this legislation pursuant to the following:

CONSTITUTIONAL AUTHORITY STATEMENT

To accompany:

The Small Distillery Excise Tax Act of 2011 Pursuant to clause 7 of Rule XII of the Rules of the House of Representatives, the following statement is submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Article 1—The Legislative Branch, Section 8—Powers of Congress: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. HINOJOSA:

H.R. 778.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clauses 1, 3, and 18 of Section 8 of Article 1 of the United States Constitution.

By Mr. KINZINGER of Illinois:

H.R. 779.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the Constitution, under which Congress has the power to lay and collect taxes, duties, imposts and excises, and to pay the debts and provide for the common defense and general welfare.

By Ms. LEE of California:

H.R. 780.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. MCCOTTER:

H.R. 781.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power . . . To regulate Commerce

with foreign Nations, and among the several States, and with the Indian Tribes.

Article I, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Sixteenth Amendment: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. McCOTTER:

H.R. 782.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Further, this legislation would enable the States to exercise the rights granted to them by the Tenth Amendment to the Constitution.

Amendment X: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

By Mr. MORAN:

H.R. 783.

Congress has the power to enact this legislation pursuant to the following:

This Bill is enacted pursuant to Article I, Section 8 of the United States Constitution, which provides Congress with the power to regulate commerce and relations between the United States and Indian Tribes, and to pass all laws necessary and proper for carrying into execution the foregoing powers, as well as all other Powers vested by the Constitution.

By Mr. NADLER:

H.R. 784.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 1, 17, and 18.

By Mr. PEARCE:

H.R. 785.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States grants Congress the power to enact this law.

By Mr. ROHRABACHER:

H.R. 786.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution. The authority to enact this legislation is also derived from Amendment XVI of the United States Constitution.

By Mr. ROHRABACHER:

H.R. 787.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. ROTHMAN of New Jersey:

H.R. 788.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to provide for the general welfare of the United States. . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof; as enumerated in Article I, Section 8.

By Mr. ROTHMAN of New Jersey:

H.R. 789.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. RYAN of Ohio:

H.R. 790.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article I of the United States Constitution: Congress shall have power. . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Ms. LORETTA SANCHEZ of California:

H.R. 791.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution (Clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. WEINER:

H.R. 792.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. WOOLSEY:

H.R. 793.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced under the powers granted to Congress under Article 1 of the Constitution.

Mr. WAXMAN:

H.R. 794.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4 of the Constitution provides that Congress shall have power to "establish a uniform Rule of Naturalization". The Supreme Court has long found that this provision of the Constitution grants Congress plenary power over immigration policy. As the Court found in *Galvan v. Press*, 347 U.S. 522, 531 (1954), "that the formulation of policies [pertaining to the entry of aliens and their right to remain here] is entrusted exclusively to Congress has become about as firmly imbedded in the legislative and judicial tissues of our body politic as any aspect of our government." And, as the Court found in *Kleindienst v. Mandel*, 408 U.S. 753, 766 (1972) (quoting *Boutillier v. INS*, 387 U.S. 118, 123 (1967)), "[t]he Court without exception has sustained Congress' plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden."

By Mr. DEFAZIO:

H.J. Res. 41.

Congress has the power to enact this legislation pursuant to the following:

Article V: The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. CANSECO.
 H.R. 23: Mr. DOYLE.
 H.R. 38: Mr. TIPTON and Mr. GOODLATTE.
 H.R. 97: Mr. PLATTS.
 H.R. 100: Mr. HUNTER.
 H.R. 104: Mr. POE of Texas.
 H.R. 122: Mr. BROOKS.
 H.R. 125: Mr. McCOTTER.
 H.R. 140: Mr. HARPER and Mr. ALEXANDER.
 H.R. 178: Mr. ROE of Tennessee, Mr. WEST, Mr. SCHIFF, Mr. PASTOR of Arizona, Mr. BILIRAKIS, Mr. WOLF, Mr. BROOKS, and Ms. CASTOR of Florida.
 H.R. 181: Mr. KINZINGER of Illinois and Mr. WALZ of Minnesota.
 H.R. 186: Mrs. BACHMANN.
 H.R. 199: Mr. GENE GREEN of Texas.
 H.R. 234: Mr. CANSECO.
 H.R. 272: Mr. BARTLETT and Mr. RIBBLE.
 H.R. 303: Mr. BROOKS and Mr. LOEBSACK.
 H.R. 308: Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CAPPs, Ms. RICHARDSON, and Mr. CUMMINGS.
 H.R. 327: Mr. OWENS and Ms. SUTTON.
 H.R. 332: Mr. MARKEY.
 H.R. 333: Mr. PEARCE.
 H.R. 337: Mr. WOMACK.
 H.R. 360: Mr. ROSS of Florida, Mr. LATTA, Mr. GINGREY of Georgia, Ms. FOXx, Mr. CRAVAACK, Mr. COFFMAN of Colorado, Mr. PEARCE, Mr. KINZINGER of Illinois, Mr. DESJARLAIS, Mr. THOMPSON of Pennsylvania, and Mr. BARLETTA.
 H.R. 361: Mr. WOODALL, Mr. COFFMAN of Colorado, Mr. CANSECO, Mr. DUNCAN of Tennessee, Mr. KING of Iowa, Mr. HUNTER, Mr. AUSTRIA, Mr. POMPEO, and Mrs. BLACK.
 H.R. 365: Mr. COOPER and Mr. LOBIONDO.
 H.R. 412: Mrs. BACHMANN.
 H.R. 420: Mr. MATHESON, Mr. BOREN, Mr. ROSS of Arkansas, and Mr. ALTMIRE.
 H.R. 421: Mr. LANKFORD, Mr. GIBBS, Mr. GUINTA, and Mr. BARTON of Texas.
 H.R. 428: Mr. RIVERA, Mr. ROSS of Florida, and Mr. CANSECO.
 H.R. 437: Mr. YODER.
 H.R. 440: Mr. MARINO and Mr. SENSENBRENNER.
 H.R. 456: Mr. FRANK of Massachusetts.
 H.R. 459: Mr. WALSH of Illinois.
 H.R. 470: Mr. SHERMAN and Ms. CHU.
 H.R. 492: Mr. ROTHMAN of New Jersey.
 H.R. 497: Mr. PETRI and Mr. KINZINGER of Illinois.
 H.R. 498: Mr. WEST.
 H.R. 501: Mr. ROTHMAN of New Jersey and Mr. FRANK of Massachusetts.
 H.R. 529: Mr. WITTMAN.
 H.R. 535: Mr. HIMES.
 H.R. 539: Ms. ROYBAL-ALLARD and Mr. GEORGE MILLER of California.
 H.R. 548: Mr. NEUGEBAUER.
 H.R. 567: Mr. CANSECO.
 H.R. 570: Mr. WEINER, Mr. GENE GREEN of Texas, and Mr. MCKINLEY.
 H.R. 584: Mr. KIND.
 H.R. 589: Mr. DOYLE.
 H.R. 605: Mr. HUNTER and Mr. GRIFFIN of Arkansas.
 H.R. 607: Mr. ELLISON and Mr. LANGEVIN.
 H.R. 614: Mr. CICILLINE.
 H.R. 673: Mr. SESSIONS, Mr. KINZINGER of Illinois, and Mr. WESTMORELAND.
 H.R. 692: Mr. SULLIVAN, Mr. WILSON of South Carolina, Mr. GARRETT, Mr. MILLER of Florida, and Mr. WESTMORELAND.
 H.R. 700: Mr. PETRI.
 H.R. 711: Mr. COSTA.
 H.R. 718: Mr. BILBRAY.
 H.R. 721: Mr. COSTA.
 H.R. 735: Mr. ROSS of Florida, Mr. HARRIS, and Ms. FOXx.
 H.R. 738: Mrs. CAPPs and Ms. WASSERMAN SCHULTZ.

H.R. 743: Mr. GUTHRIE.
H.J. Res. 1: Mr. BENISHEK.
H.J. Res. 2: Mr. ALTMIRE, Mr. GUTHRIE, Mr. BENISHEK, Mrs. BLACK, Mr. CANSECO, Mr. DEFAZIO, Ms. JENKINS, and Mr. LATOURETTE.
H. Con. Res. 12: Mr. WAXMAN, Mr. SHERMAN, Mr. PETERS, Mr. COHEN, Mr. HASTINGS of Florida, Mrs. CAPPS, Mrs. LOWEY, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. KEATING, Mr. ROTHMAN of New Jersey, Mr. PLATTS, and Mr. KING of New York.
H. Con. Res. 13: Mr. POMPEO.
H. Res. 60: Mr. FALEOMAVAEGA, Mr. COSTA, and Mr. PETERSON.
H. Res. 61: Mr. LATTA and Mr. DAVIS of Illinois.
H. Res. 83: Mr. OLVER and Ms. WILSON of Florida.
H. Res. 95: Mr. GRAVES of Missouri.
H. Res. 96: Mr. FITZPATRICK, Mr. MEEHAN, Mr. BARLETTA, Mr. GERLACH, Mr. PITTS, Mr. SHUSTER, Mr. DENT, and Mr. THOMPSON of Pennsylvania.